California Journal

THE MONTHLY REPORT OF STATE GOVERNMENT AND POLITICS

Difficult Conflict of Interest Issue

Assembly Reforms Committee Voting

BART to Face Its Toughest Test

State Controller Houston Flournoy

Voters Confront Packed June Ballot

March 1972 in Review

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Editor's Note

As we announced last month, the *California Journal* is now being published by the California Center for Research and Education in Government, a nonprofit, tax-exempt corporation. The primary purpose of the Center is to publish the *Journal*, but the Center will also undertake other activities consonant with its objectives, such as internship programs, forums and seminars on public policy questions, and general research and education activities to assist the public in understanding state government.

The general policies of the Center are established and guided by a board of directors. The members of the board are as follows:

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The *Journal* is honored by the willingness of such distinguished civic leaders and scholars to serve on the Center's board. Four additional board members will be named at a future date.

* * *

As befits a magazine which seeks the public's confidence as a nonpartisan and objective journal of current events, we believe it is appropriate to give our subscribers at least a broad outline of our finances. The *Journal* is funded from two principal sources: subscription revenue and grants. During the first twenty months of its existence, the *Journal's* expenditures exceeded its income by approximately $64,000. Of this amount, half has been covered by the sale of the magazine to the Center. The other half has been absorbed in equal shares by the founders of the *Journal*, without future obligation of any kind to the magazine.

In the three years from last September until August of 1974, grants totalling $225,000, of which two-thirds comes from the Ford Foundation, will cover the difference between projected expenditures of approximately $550,000 and expected income from *Journal* subscriptions and other publications of approximately $325,000. Any excess of grant and subscription income over actual *Journal* expenditures will help to support the internship program and other activities noted above.

We have not had, nor do we anticipate income other than that from grants and from the *Journal* and its related publications.

* * *

The *Journal's* Washington correspondent, Lou Cannon, who, as most of you know, wrote *Ronnie and Jesse*, has a new book out entitled *The McCloskey Challenge*, published by E. P. Dutton. The book came out about a week before the New Hampshire primary, and it may be assumed that McCloskey's subsequent departure from the presidential race won't help sales. But the book is more than a look at McCloskey's attempt to derail the Nixon bandwagon, and we believe that many readers of the *Journal* will find it fascinating.

Lou Cannon will register yet another accomplishment on April 24th when he joins the national staff of the *Washington Post*. We are happy for Lou and proud that he intends to continue to write for us from Washington as he has in the past.

* * *

Two articles in this issue were the product of research done by our interns. Mary Armstrong, who has just completed her two quarters with us, researched the higher education admissions piece. Jack Shiels, a senior in political science at UC Davis who has been with us since January, researched the article on BART.

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Candidates Line Up for 144 Assembly, Senate and Congressional Races for June Primary

Voters in California will go to the polls on June 6th to nominate candidates for a total of 144 legislative seats, as well as to decide on ten statewide ballot propositions (see page 79) and to elect slates of delegates to the national presidential conventions. All 43 seats in the U.S. House of Representatives, including five new ones, are at stake, as well as 21 of the 40 state Senate seats and all 80 state Assembly seats.

Assembly and Senate candidates are running in the same districts that were in effect two years ago despite the fact that the state Constitution specifically requires their seats to be reapportioned in the year following the decennial census. This came about because reapportionment bills passed by the Democratic-controled Legislature were vetoed by Governor Reagan. The Democrats, unable to override the veto, asked the state Supreme Court to uphold their apportionment. The court held the plans to be invalid, however, because they had been vetoed, and ordered that the present district lines be continued for one more election while the Legislature and, if necessary, the court develop valid new plans (see *California Journal*, January 1972).

In the case of congressional districts, which were also redrawn by the Legislature and vetoed by the Governor, the court held the new plan to be invalid as well, but ordered it into effect temporarily for this year only. The court stated it had no other choice because the addition of five new seats to California's entitlement as a result of population growth in the last decade made new lines essential, and no other 43-district plan was "readily available."

The new district lines were drawn largely according to the wishes of the 38 incumbents. The five new seats were supposedly divided evenly; two for the Democrats, two for the Republicans and one a toss-up. As it turns out (see below), it appears that one of the "Republican" seats may end up Democratic and one of the "Democratic" seats may be a toss-up, depending on who wins the primaries.

Congressional Incumbents

Because the incumbents drew the lines for the congressional districts, no more than two of the 38 seats represented by incumbents can be considered to be even slightly in doubt. Representative William S. Mailliard, a Republican representing the 6th District, which includes a portion of San Francisco, won by only 12,000 votes in 1970, the closest any incumbent came to defeat that year. He did not campaign very hard in 1970, however, and his district has been strengthened this year by the addition of the northern portion of Marin County. Nevertheless, he faces a strong challenge from Roger Boas, San Francisco Supervisor and former state chairman of the Democratic party.

The 17th District, which covers southern San Mateo and northern Santa Clara County, is primarily a new district, but Republican Representative Paul N. "Pete" McCloskey lives in the district and has decided to run there rather than in the new 11th which contains most of his old 11th District. The 17th District is Republican territory, and the chief question is whether McCloskey can survive a conservative primary challenge there. His primary opponents are Robert (Bob) Barry, a perennial candidate from Woodside, and Royce M. Cole, a physician from Palo Alto who has most of the conservative support. If McCloskey loses the primary, the Democrats might have a shot at the seat. James W. Stewart, a Palo Alto attorney, and Gary G. Gillmore, the Mayor of Santa Clara, appear to have the best chance for the Democratic nomination — unless, of course, a third candidate, who lists himself as "beggar" manages a stunning upset.

Districts Without Incumbents

There are a total of six districts with no incumbent, counting the 20th District of Glendale, Burbank and Pasadena from which Republican H. Allen Smith is retiring. That district will almost certainly remain Republican with the June primary being decisive. In fact, only one Democrat has bothered to file for the honor of losing to one of the ten Republican contestants. The leaders among the Republicans appear to be Bill McColl, the Covina surgeon who ran a very close second to John Rousselot for the 24th District seat in June 1970 and Assemblyman Carlos Moorhead who has given up his safe Assembly seat for the try for congress.

Back up north, the 11th District seat in San Mateo County, which McCloskey is giving up, will likely go Democratic in November. Assemblyman Leo Ryan is unopposed for the Democratic nomination. Three Republicans are battling for their nomination.

The new 36th District, containing portions of Kern, Kings, Santa Barbara, and San Luis Obispo Counties, is the one of the five new seats designed to be a toss-up. Battling for the nomination are six Democrats, including Timothy Lemucchi, a former legislative consultant who lost against Kent Stacey for the Assembly in 1968 and who now practices law in Bakersfield, and Carlos P. Baker Jr., a Kern County justice court judge. Between the two Republicans, Assemblyman William M. Ketchum is all but certain to win his party's nomination and is favored now to win in November as well.

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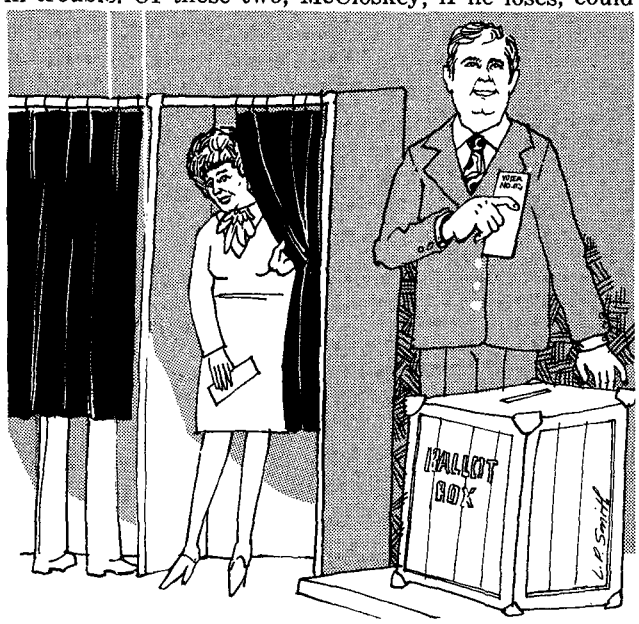
In the new 37th District in Los Angeles, it is primarily a contest between black Democrats: Assemblywoman Yvonne Brathwaite is far ahead in the polls, with Los Angeles Councilman Billy Mills a distant second. The primary should pretty well decide this election.

The new 38th District contains portions of San Bernardino, Los Angeles and Riverside Counties. The district leans Democratic but is not a sure thing. Among the seven Democratic candidates, former congressman George E. Brown Jr., who gave up his seat in 1970 to run for the U.S. Senate, is trying for a comeback. His chief opponent is David S. Tunno who was John Tunney's aide prior to 1970 when he lost narrowly to Victor V. Veysey for congress. A bitter Democratic primary could give one of the three Republican contenders an opening in November.

And finally, in the new 42nd District Senator Clair W. Burgener appears to have clear sailing to Washington in this highly Republican seat despite three primary opponents.

Summary

In summary it appears that of the present 38 seats the one retiring incumbent will be replaced by a fellow Republican, and only two incumbents are even slightly in trouble. Of these two, McCloskey, if he loses, could



be replaced by a Democrat. There is also the remote possibility of a party switch in the 6th District, but Mailliard certainly seems strong now.

McCloskey's decision to run in one of the five new districts leaves his former seat, which might otherwise have been Republican, a strong Democratic possibility. The new Los Angeles seat seems solidly Democratic and the new Orange-San Diego seat is sure Republican. The new San Bernardino-Riverside seat appears to be in doubt but leaning Democratic at this early date, and the new central coast seat is in doubt but leaning Republican.

The 20 odd-numbered Senate seats are up for election this year, together with the 36th District, from which Gordon Cologne recently retired when he was appointed to the District Court of Appeal. Of the 20 odd-numbered districts, only one, the 3rd District, is without an incumbent.

With the retirement of Democratic Senator Stephen P. Teale, a tough contest is developing in the 3rd District, which covers 11 mountain counties from the Oregon border south to Stanislaus County, the one valley county in the district and the principal center of population in the district. The race appears to boil down to a rerun of the 1967-70 contests between Democrat Ernest LaCoste and Republican Clare L. Berryhill. Berryhill defeated LaCoste in a 1969 special election for the 30th Assembly District seat, but in the 1970 regular election LaCoste beat Berryhill. Now LaCoste and Berryhill are at it again for the seat. LaCoste is unopposed in the Democratic primary, but Berryhill faces some tough primary opposition from Gilbert Stokes and Marion W. Steele.

A special election in the 36th District is set for May 9th, with the runoff, if any, to be held concurrently with the June 6th primary. The district is considered Republican, and Assemblyman W. Craig Biddle has the inside track for his party's nomination and likely victory in May or June.

Not one of the 19 Senate incumbents appears to be in serious trouble for reelection. Milton Marks, a Republican who always does well among Democrats, faces a challenge from Ronald Pelosi, who ran first among the candidates for the San Francisco Board of Supervisors in 1971. Marks won by 35,000 in 1968 in this district, however, and Pelosi faces an uphill battle. In the 31st District in Los Angeles, incumbent Senator James Wedworth faces a rash of opponents for the Democratic nomination. The district is heavily black, and it is possible that a black candidate might take the nomination away from Wedworth, but it is more likely that the six challengers, including several blacks, will split the opposition vote and Wedworth will be reelected.

In short, there appears to be only one seat substantially in doubt in the Senate, but with the Democrats holding a narrow 21-18 edge now, that district and the less-marginal Marks district will see hard-fought and well-financed campaigns with control of the Senate at stake.

Assembly

The Assembly will see the largest turn-over in membership since the reapportionment exodus in 1966, despite the fact that Assemblymen are running in the same districts they ran in two years ago. Twelve incumbent members of the Assembly are not running for reelection, either because of retirement or because they are running for higher office. Retiring are Assemblymen Frank Belotti from the 2nd District and James Dent from the 10th District. Both are Republicans.

Giving up their seats to run for other offices are three Democrats: Leo Ryan and Yvonne Braithwaite, who are running for congress, and Ernest LaCoste, who is running for the senate. Seven Republicans are giving up the Assembly to run for other offices. They are William Ketchum, Carlos Moorhead and Bill Brophy, who are running for congress; James Hayes, Bill Campbell and Peter Schabarum, who are running for Los Angeles County Supervisor (Schabarum was appointed to the seat by Governor Reagan in March); and W. Craig Biddle, who is running in a May 9th special election to fill the Senate vacancy created by the appointment of Gordon Cologne to the bench.

Of the 12 races for nonincumbent Assembly seats,

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KEY ASSEMBLY RACES

Listed below are all the Assembly races in which an incumbent is retiring or there is some possibility that an incumbent might be defeated.

Dist. #	Incumbent	Party	Analysis
2	Belotti	R	Retiring incumbent won by only 4.4% in 1970; possible Dem. reversal.
10	Dent	R	Retiring incumbent; probably safe Republican.
25	McAlister	D	Freshman incumbent won by only 7.1% in 1970; but probably safe Dem.
27	Ryan	D	Incumbent running for congress; probably safe Dem.
28	Stacey	R	Incumbent won by 12.3% in 1970; slight possibility of Dem. win.
29	Ketchum	R	Incumbent running for congress; probably safe Republican.
30	LaCoste	D	Incumbent running for Senate; good possibility of Rep. upset.
32	Maddy	R	Freshman incumbent; 65% Dem. registration makes upset a good possibility.
33	Mobley	R	Former Assemblyman Garrigus is challenger; possible upset.
36	MacGillivray	R	Incumbent squeeked out in 1970; possibility of Dem. upset.
37	MacDonald	D	Incumbent won by only 8.3% in 1970; good possibility of Rep. reversal.
39	Hayes	R	Incumbent running for supervisor; probably safe Republican.
41	Keysor	D	Keysor won by only 6.9% in 1970; former Assem. Arklin might win upset.
43	Moorhead	R	Incumbent running for congress; safe Republican district.
48	Brophy	R	Incumbent running for congress, almost certain to go Dem. this time.
49	Vacant	—	*Schabarum appointed supervisor*; safe Republican district.
50	Campbell	R	Incumbent running for supervisor; good possibility of Dem. victory.
52	Wakefield	R	Incumbent won by only 6.4% in 1970; some possibility of Democratic upset.
57	Conrad	R	*Incumbent won by only 4.6% in* 1970; possible Democratic upset.
58	Johnson, H.	D	Incumbent did well in 1970; but faces tough young Rep. challenge.
60	Priolo	R	Incumbent won by 10.6% in 1970, but UCLA registration could produce Dem. win.
63	Brathwaite	D	*Incumbent running for congress*; safe Dem.
64	Cline	R	Cline won by only 6.0% in 1970; slight possibility of Dem. upset
69	Cory	D	Cory won by only 7.5% in 1970; former Democratic Assemblyman Dannemeyer could upset.
74	Biddle	R	*Biddle running for congress*; safe Rep.
75	Seeley	R	Incumbent won by only 3.8% in 1970; slight possibility of Dem. upset.
76	Wilson	D	Incumbent elected in February by 3.0%; best possibility of Rep. upset.
79	Chacon	D	Freshman won by 11.6% in 1970; slight possibility of Rep. win.

four (the 2nd District, held now by Belotti; 30th, LaCoste; 48th, Brophy; and 50th, Campbell) could easily see a partisan change in November. Of the four, only the 30th District is held by a Democrat.

In addition to the 12 nonincumbent Assembly seats, there are perhaps 16 races in which the incumbent could be defeated. Of these districts in which reversals are possible (see table), nine are Republican and seven are Democratic. Limiting consideration to those districts in which a partisan reversal is *most* likely, the field narrows to perhaps six races (32nd, Maddy; 36th, MacGillivray; 37th, MacDonald; 57th, Conrad; 69th, Cory; and 76th, Wilson). Three of these districts are Republican and three are Democratic.

It must be understood, however, that defeating incumbents is not easy or common. In 1970, for instance, there were 74 incumbents running for reelection and there were only five instances in which the incumbent was defeated. And that was high. In 1968 only four incumbents were defeated out of 78 who ran.

Summary

In summary, there appear to be 10 Assembly districts in which a partisan change seems to be at least a reasonably strong possibility. These 10 are divided 6-4 Republican and Democratic. If all of these reversals materialize, the present 43-37 (counting the vacant seat as Republican) Democratic control of the Assembly will be boosted to 45-35. Moreover Democrats can raise their margin to 49-31 if they win all 10 of these races and the Republicans win none of them. Conversely, the Republicans could only achieve narrow 41-39 control of the Assembly if they win all of these races and the Democrats win none.

There is an unusually large number of variables this year however, which could greatly increase the number of Assembly seats which change hands. The foremost factor, probably, will be the shape of the presidential campaign. If one or the other major presidential contender sweeps the state in November, he could easily, though not necessarily, carry a number of Assembly candidates on his coattails. Moreover, the 18-year-old vote could have a major, but as yet unpredictable impact on some races. Third, some observers feel that the death penalty initiative which will likely be on the November ballot could be the "Proposition 14" of 1972 and could determine the fate of many candidates who take a stand on the issue. If several of these factors reinforce themselves, the impact could be felt in most or all of the even faintly marginal districts.

Assembly Committee Changes

The appointment of Assemblyman Peter F. Schabarum to the Los Angeles County Board of Supervisors and the special election victory of Bob Wilson have sparked a number of changes in the make-up of Assembly committees.

Schabarum's spot on the Constitutional Amendments Committee is still vacant, but he was replaced on the Efficiency and Cost Control Committee by Wilson, and Assemblyman Mobley was named Vice Chairman. Wilson also replaced Assemblyman Vasconcellos on the Environmental Quality Committee. Assemblyman Conrad replaced Schabarum on Government Administration. Ray Johnson replaced Hayes on Governmental Organization. Lewis replaced MacDonald on Local Government. And Wilson replaced Conrad on Retirement and on Transportation.

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June Ballot to Carry Ten State Propositions Including Controversial Environment Initiative

California's voters will be asked to approve or reject 10 state propositions on the June primary ballot. Among the 10 are two bond acts, six amendments to the California Constitution, one initiative and one set of amendments to an earlier initiative. Nine of the ten propositions were placed on the ballot by the Legislature; the tenth, the initiative, was placed on the ballot when its supporters succeeded in obtaining the required 320,000 signatures of registered voters.

An eleventh measure, Proposition A is to be submitted to the voters of six San Francisco Bay Area counties.

Veterans' Bond Act of 1972. Proposition 1 provides for a $250 million bond issue to continue the state's farm and home loan program for veterans. The Cal-Vet Program was begun in 1931 and has gone through 13 previous bond issues, providing low-cost loans for some 250,000 California veterans. According to law, the bonds are entirely self-liquidating; that is, they must be repaid in full out of loan repayments rather than tax revenues. Aproximately $70 million in Cal-Vet bonds are paid off each year. There is no organized opposition to Proposition 1, but there is an opposing ballot argument which charges that there is some hidden cost to the taxpayers and that the state "should not be in the lending business."

School Earthquake Safety Bonds. State law requires that all school buildings which do not meet the state's earthquake safety standards be brought up to those standards or abandoned by July 1, 1975. Proposition 2 authorizes the state to sell $350 million in general obligation bonds and to use up to $250 million of the proceeds to make loans to school districts which must strengthen unsafe buildings or build new classrooms to replace buildings which must be abandoned.

Proponents argue that many districts will not be able to meet the state's requirements without such help. The remaining $100 million in bond sale proceeds will go to the regular state school building aid program for loans to districts for general school construction. This program, which provides loans to school districts which must build new facilities to meet their enrollment growth but are already bonded to capacity, has been in existence since 1947. Repayment of both types of loans will be required of districts which have sufficient financial capacity. It is estimated that 90 percent of the money borrowed for earthquake safety and 46 percent of the remainder will be repaid.

Senator John L. Harmer, who opposes this bond issue, contends that it will only add to the already heavy state and local debt for school construction and that California may now have a sufficient number of safe school buildings to house the current number of school children. The state can meet any emergency situation, he says, by direct appropriation from current revenues.

Defense Counsel in Felony Proposition 3 amends the state constitution to delete a provision which permits an individual to act as his own attorney in all criminal cases. If approved by the voters, a companion measure will go into effect requiring all defendents in felony cases to be defended by counsel, either a private attorney or public defender. Proponents of the measure, including Attorney General Evelle J. Younger, argue that this will help to ensure a more adequate defense for individuals who would otherwise attempt to defend themselves and that it will reduce trial delays and congestion which often result when defendents act as their own counsel. Opposition to the measure comes from those who believe that some individuals, and especially those with appropriate legal training, should continue to be permitted to defend themselves.

Presidential Primary. Under existing law, candidates for the presidency may have their names placed on California's primary ballot by presenting a petition signed by registered voters of the party equal in number to 0.5 percent of the vote for the party's candidate in the last gubernatorial election. Proposition 4 amends the constitution to require the Legislature to provide for a presidential primary in which the Secretary of State must place on the ballot the names of all "recognized" candidates for the office. Anyone so selected who does not want his name on the ballot must file an affidavit that he is not a candidate for President. Those who are not named by the Secretary of State may petition to have their name added to the ballot under the existing law.

Proponents for this measure argue that it will ensure that California voters have a direct voice in choosing the nominees of each party and making California a key state in the selection of presidential candidates. At present, minor candidates often do not seek to have their names on the ballot and major candidates may be deterred from doing so if a favorite son or unpledged "unity" slate has been entered. Opponents argue that it will deny candidates for the presidency the freedom to conduct their campaigns as they believe they must. A candidate who does not wish to enter the California primary for some reason, including a shortage of campaign funds, will nevertheless be forced to do so, whatever the risk to his candidacy. The present system, they say, is fair to the people and to the candidates and should be retained.

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Senate Approval of Regents. Proposition 5 provides that the Governor's appointments to the University of California's Board of Regents shall be subject to confirmation by a majority vote of the State Senate. Although members of certain other boards and commissions are subject to [illegible] confirmation, appointees to the state's various educational boards are not.

Proponents of the measure state that Senate confirmation will permit careful consideration of the qualifications of appointees to the Regents by two branches of government. In this way it will give the people of the state greater control over appointments to this important body. Opponents argue that an increasingly partisan Senate, if given this confirmation power, may tie up the appointment process, injecting more politics into a matter which should be free from partisan politics. Moreover, they say, this measure would unnecessarily dilute the Governor's powers.

Registration of New Citizens. At present the California Constitution requires persons who have just obtained their citizenship to wait 90 days before registering to vote. Proposition 6 amends the constitution to remove this requirement, permitting naturalized citizens to register to vote immediately. Those who support this change point out that in order to achieve naturalization a person must have lived in this country for from three to five years and have passed an examination on U.S. government and history. The opposition argument, prepared by Senator Clark L. Bradley, is that the change is unnecessary and of little consequence.

Assessment of Single-Family Homes. Constitutional provisions regarding the assessment of real property authorize county tax assessors to assess property according to its potential market value. Proposition 7 amends the constitution to permit the Legislature to require that single-family owner-occupied homes be assessed as such if they are located in areas zoned for single family homes or for agriculture, regardless of the potential market value of the home. Proponents argue that in certain circumstances some homeowners in this situation have found their homes to be valued at three or four times their normal market value, raising their taxes correspondingly. Their objective is to correct this apparent inequity for the small number of homeowners affected. According to the Legislative Analyst, the measure will have little impact on revenues, except that any reduction in taxes for these homeowners will have to be offset by taxes on other property.

The principal argument against Proposition 7 is that it will benefit only a very small percentage of California's taxpayers and does not deal with the larger problem of providing general tax relief.

Chiropractic Initiative Amendments. Proposition 8 amends the state law regarding chiropractors, which was first enacted by an initiative measure in 1922. The amendments modify requirements for appointees to the State Board of Chiropractic Examiners, establish an executive body for the board and provide that chiropractors from other states must comply with California standards to be granted a license to practice in this state. The board, which is the licensing agency for chiropractors, was first authorized to adopt rules of professional conduct and training for chiropractors by Proposition 11 on the November 1970 ballot. The measure is supported by the chiropractors' professional association. There is no organized opposition.

Clean Environment Act (Pollution Initiative). Easily the most controversial proposition on the June ballot is Proposition 9, called the "Clean Environment Act" by those who collected enough signatures to get it on the ballot and the "Pollution Initiative" by its opponents and on the official ballot. The initiative was drawn up by an organization called the Peoples' Lobby, which charges that California's elected and appointed officials "have defaulted their obligation to safeguard our environment," making it necessary for the people of the state to act through the initiative process to exercise their "inalienable right to stop the present abuse of their health and their own environment." To those who oppose the measure, including administration officials and many of the state's business and industrial leaders, the initiative is a poorly drawn up series of laws which will do little to protect the environment but which will do serious damage to the economy of the state.

The initiative has 23 sections of which 19 contain substantive provisions. Among the most important of these are:

- *Motor vehicle fuel.* Section 2 establishes a series of deadlines for changing the structure of motor vehicle fuels as to their lead content, degree of saturation, vapor pressure, and sulfur content. By July 1, 1975, gasoline sold in California is to be lead-free. The sulfur content of diesel fuel is to be cut sharply immediately. According to opponents of the measure, however, the provision regarding diesel fuel cannot be met by refiners for at least two years and if carried out immediately will bring trucking, railroads and ships to a halt in California.
- *Stationary air pollution sources.* Sections 3-8 deal with air pollution from factories and other industrial sources by limiting the number and duration of "variances" from antipollution standards which may be granted by air pollution officials, requiring the immediate shut down of plants which exceed standards when there is a "first stage alert," authorizing private class action suits to stop violations of state and district air pollution standards, and setting up a system of fines for violators.
- *Conflict of interest.* Section 10 prohibits the appointment to regional and county air pollution control boards of persons who have any interest in any firm which pollutes the air, builds or sells vehicles which cause air pollution, or produces or sells petroleum products. Proponents of the measure argue that representatives of industry should be excluded from air pollution control boards. Opponents say this prohibition is much too broad and would bar many highly qualified persons from serving on such boards.

Sections 14 and 15 prohibit the appointment to state and regional water quality control boards of anyone who is an official or employee of any discharger of waste into California waters, or that has "any financial interest" in such a discharger.

- *Oil and gas leases.* Section 12 prohibits the letting of state leases or the renewal of existing leases for oil and gas extraction along the coast from one mile inland to three miles offshore. There is some uncertainty as to exactly what impact this would have, however, since there has been a partial ban on offshore drilling on state tidelands since 1969, and the ban is not to be lifted until oil companies develop the capacity to stop

(Continued on page 93)

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Assembly Outmaneuvers Senate on Committee Vote Reform, Adopts Own Package of Roll Call Vote Rules

Even before March's entering lion could turn into its departing lamb, the issue of recorded committee votes in the Legislature had undergone a metamorphosis every bit as thorough and just about as pleasing to all the participants. In mid-February, when Senator Peter H. Behr startled many capitol observers by winning a 4-1 vote in favor of his concurrent resolution (SCR 4) requiring that all committee votes in the Senate and Assembly be recorded, it was thought that he had worked a minor miracle. Suddenly the Senate had become the champion of open legislative action and the Assembly, and Assembly Rules Committee Chairman John Burton in particular, threatened to become the guardian of tradition (see *California Journal*, p. 40, February 1971).

But it didn't remain that way for long. By mid-March Burton had abandoned the role of Horatio at the Bridge and had become, instead, a conquering Moshe Dyan, leading the Assembly troops in a lightning attack which left the Senate forces in disarray and restored the Assembly to its position of leadership as a progressive legislative body. In less than two weeks Burton had won unanimous Assembly approval of a set of committee vote rules which went well beyond what the Senate had agreed to earlier, and Senator Behr was left scrambling to catch up.

Burton's Resolution

Following a 34-3 vote in favor of SCR 4 on the Senate floor in early February, Assemblyman Burton amended a resolution of his own, HR 16, to not only require recorded roll call votes on all bills in Assembly committees, but recorded votes on all committee amendments other than those proposed by a bill's author. In addition, committee rolls are to be held open while the committees are in session, so that members who are temporarily absent may return to vote, and members are permitted to record their votes in writing in advance (the so-called "proxy" vote) if they do not expect to be present for all of the debate and the subsequent vote on a bill. With these provisions, said Burton, every member of the Assembly will have a full opportunity to register his or her vote on every important measure, despite conflicting legislative duties.

Having introduced these amendments, Burton promptly scheduled a Rules Committee hearing for his resolution for March 9th, two days before the scheduled hearing for SCR 4. In announcing this action, Burton told reporters he was going to push his own measure "in order to protect both the public's right to know and the integrity of the Assembly." For his part, he added, he expected soon to be free of the reputation as the "heavy" on the committee vote issue. As good as his word, Burton won quick approval for HR 16 in the Rules Committee and had it on the Assembly floor for a final vote the same day. The Assembly voted 66-0 (with three members abstaining) to adopt HR 16, and prepared to begin recording all committee votes on Monday, March 20th.

The swift passage of Assemblyman Burton's resolution surprised Senator Behr and left him temporarily undecided as to his next move. In going beyond the simple roll call vote reform which Behr had moved through the Senate with considerable care and advance planning, Burton had clearly succeeded in putting the Senate in the position of trying to catch up with the Assembly. Assembly Speaker Bob Moretti didn't fail to take note of this by expressing his disapproval of the Senate's less comprehensive reform (which he had earlier welcomed) and commenting that the Assembly "has always been the more open of the two houses."

Behr Accepts Amendments

Up to that point Behr had steadfastly opposed all amendments to his two-house resolution, arguing that any move to "strengthen" it in the Assembly, for example by requiring recorded votes on committee amendments, would jeopardize its chance for concurrence by the Senate. But when the Assembly Rules Committee convened on the morning of March 9th to hear testimony on SCR 4, it was clear that Behr could no longer expect to hold to that position and get his measure out of committee. Thus, in a somewhat abrupt change, Behr told the committee and the closely-packed audience that he was willing to amend all of the provisions of HR 16 into SCR 4, with the exception of the proxy vote feature, which, he said, had no chance of passage by the Senate.

Burton lost no opportunity to chide Behr for dropping his resistance to the other amendments and to remind him that the Assembly had already adopted the whole package of "reforms". Behr nevertheless stuck to his new position and argued at length not only against the proxy vote provision in HR 16 but also against the open committee roll which he said would permit uninformed voting and discourage full debate and discussion of important issues. Nevertheless, following Behr's testimony, the Assembly Rules Committtee voted 7-0 to add both of these amendments, as well as the other provisions of HR 16, to SCR 4.

SCR 4 was passed by the Assembly 69-0 on March 14th and sent back to the Senate. As expected, the Senate refused to concur in the Assembly amendments, and

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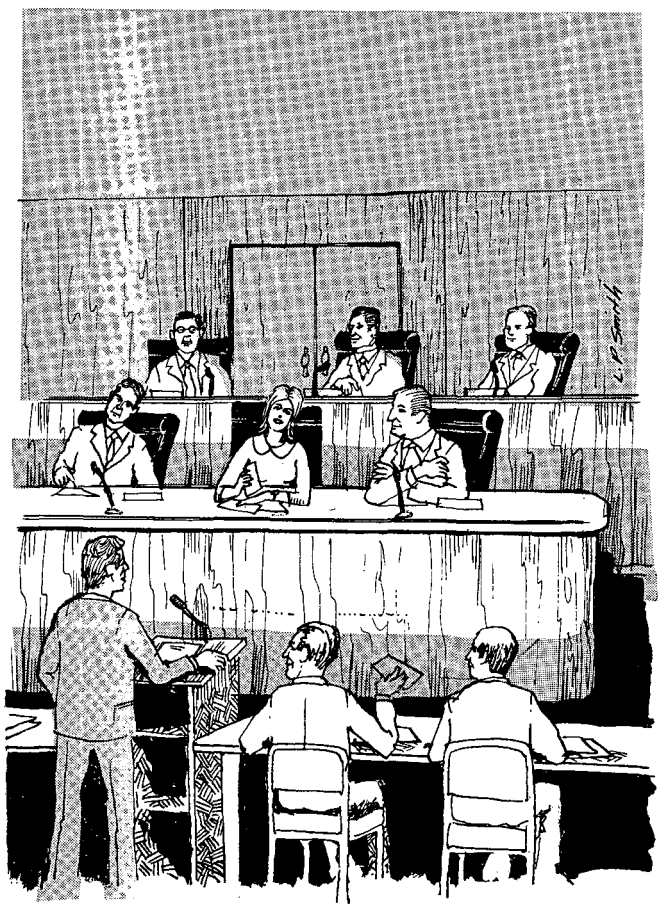
the measure went to a joint conference committee to see if the differences could be resolved. The conference committee, made up of Senators Behr, Teale and Song and Assemblymen Burton, Johnson and Mobley, met briefly on March 23rd but quickly adjourned until after the Legislature's Easter recess. What will happen when it reconvenes is impossible to guess, but there is little



reason to believe that the Assembly will change its position, inasmuch as it has already adopted for its own use those provisions which it has added to SCR 4.

Senate Resolution

Knowing that he has only a slim chance of getting a compromise resolution out of the conference committee, Senator Behr has launched an alternative effort to see that the Senate will at least adopt some form of recorded committee voting of its own if a change in the joint rules proves unachievable. On March 22nd he presented SR 9, carrying the basic recorded vote provision, to the Senate Rules Committee and attempted to win approval of amendments embodying most of the provisions which the Assembly had adopted in its measure. The committee refused the amendments and voted SR 9 out 4-1 with essentially the same provisions as SCR 4. The new Senate resolution is expected to come up for a floor vote and easy passage shortly after the Easter recess. Thus, although the final fate of SCR 4 remains in doubt, it is a foregone conclusion that the Senate will soon join the Assembly in recording committee votes and the central issue will have been decided.

This does not mean, however, that there are not some problems remaining to be resolved. If SCR 4 dies and the two houses go on operating under different rules, there will undoubtedly be some friction between the two houses as Assembly bills are taken up under Senate rules in the Senate and Senate bills are handled according to Assembly rules when they are sent over to the Assembly. Moreover, the new rules will take some getting used to, especially in the Assembly where the first week's experience in at least one committee (Ways and Means) confirmed earlier fears that recorded votes on all committee amendments, as well as on the bills themselves, would prove to be very cumbersome in comparison with voice vote procedures.

Reagan Announces Manpower Task Force

In mid-March Governor Ronald Reagan announced that he had set up a 26-member Manpower Policy Task Force to develop a comprehensive manpower and job creation policy for the state. The task force, which is made of businessmen, educators, labor leaders, and others is to make a careful study of the multitude of existing programs in the fields of job training, employment services, job placement, and labor market analysis, and to "identify the critical elements in these fields" so as to "provide decision-making information for the administration."

"Federal manpower programs have not solved the problems associated with manpower and employment because they have been largely a reactive or responsive mechanism to satisfy a particular crisis," the Governor told the task force at its first meeting. "The result has been hodge-podge and proliferation of programs." In 1970-71 the federal government spent about $500 million in California on more than 100 different programs, Reagan said, but the only major accomplishment of the manpower programs has been "to find out what does not work."

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Nader Report Follow-Up

Conflict of Interest Issue Eludes Easy Answers

• The State Department of Navigation and Ocean Development, through its seven-man commission, approves state harbor loans to local agencies. An attorney and private business consultant who is a member of that board had a client last year who was seeking a contract from the department for floating restrooms. The Commissioner told the Los Angeles *Times* that he saw nothing wrong with arranging a meeting January 14, 1971 for himself, the president of the client firm, and the department employee who was to evaluate bids for the contract. On January 24th, Governor Reagan asked the State Senate to confirm the commissioner's reappointment to another four-year term.

• The California Advisory Commission on Marine and Coastal Resources, together with the Navigation Commission, was helping to prepare a state master plan for coastline development and control. A member of that commission, who also serves on the Navigation Commission, accepted a $22,500 fee from a group of land developers who were primarily interested in coastal properties. Reagan fired him from the Marine and Coastal group but the individual, a Beverly Hills management consultant, flatly refused the Governor's request to quit the Navigation Commission. The commissioner's term runs into 1974.

• The Water Resources Control Board, primarily a pollution control agency, deals with water rights, water quality, and water pollution through its regional enforcement boards. Engineering Science, Inc. of Arcadia does a good deal of business with that board. The chairman of the state regulatory agency apparently saw nothing wrong in acting as consultant to the engineering firm (the individual denies receiving any compensation for his work), although he was in a position to vote for or against contracts with the engineering firm. The Governor has asked for and obtained the chairman's resignation.

Public & Private Interest

As evidenced time and again by events such as these, the choice of the public over the private interest is difficult indeed for those in government service. Some men in public service fail — or refuse — to see the difference. Moreover, for the vast majority of appointees who are determined to act legally and ethically, there is no clear measure of what does and what does not constitute a conflict of interest. Yet those who take up the public trust must attempt to act in such a way as to be above suspicion. As the Nader Task Force report on California observed, wherever a public official's responsibility to decide matters with impartiality and a view to the public interest is threatened by the existence of a personal interest in the fate of those measures, a conflict of interest exists.

The clash between public and private interest is not often a difficult problem for the civil servant who finds his job through a scrupulously competitive hiring system and who works full-time for the state. But the line between public and private duty is not easily discernible for thousands of elected and appointed officials in state government. Many come into government for only a short time, and serve only part-time on one of the state's multitude of boards and commissions. In many cases they owe their appointment in some part to their prominence in pursuing their private interest. There are always some gray areas where it is impossible to define conflict of interest with precision. In these areas it may be necessary to rely upon the conscience of each individual to provide the final guard against conflicting public and private interests. But even those with active consciences need firm standards against which to measure their own conduct.

Weak Laws

California's regulations and laws on the subject of conflict of interest are sketchy and weak. The enforcement of existing laws is rare, and what little precedent exists for prosecution for conflict of interest mainly involves local officials. The single most important set of provisions, in Government Code Sections 1090 through 1097, prohibit members of the Legislature and officers of the state, counties, special districts, judicial districts, and cities from having a financial interest in any contract they make or participate in making, or from buying or selling at any sale which involves them in their official capacity. ("Officers" refers to appointed or elected officers as distinguished from employees.) Additionally, the 1966 Legislature passed a Code of Ethics (Govt. Code 8920 et. seq.) which proscribes activities in substantial conflict with the proper discharge of duties in the public interest and prohibits legislators from having employment which they have reason to think will impair their independence of judgment or cause them to breach official confidences. Upon adopting this code, the Legislature established a Joint Ethics Committee to hold hearings on charges of impropriety. But this committee did not hold a public hearing until August of 1971, despite the serious charges of conflict which arose between 1966 and 1971. "Informal and secret 'preliminary investigations' have disposed of these embarrassments," the Nader Report charges.

There are many very questionable activities which are not statutorily prohibited to public officials in California. An attorney who is also an executive official

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may — and often does — appear before a state agency as a private advocate and is not disqualified or prohibited from participating in official actions. State legislative and executive officials are not required by statute to divest themselves of conflicting interests, even though they are full-time public servants. Executive officials generally are not prohibited by statute from the selective disclosure or adverse use of confidential information for private purposes, from assisting or representing others in transactions with the state, or from personal interests in business regulated or licensed by the state. And the California statutes do not even generally prohibit receipt of gifts, services, loans or favors or other additional compensation from non-state sources for executive officials and employees.

Bribery

At present, as the Nader report points out, the only conflict of interest prosecutable for practical purposes is bribery. And bribery is about the most difficult of all crimes to prove in court. To prove bribery, you have to show an intent to influence and an intent to be influenced. It can only be proven by sudden vote changes, together with coincidentally received campaign contributions or money in combination with an offer to change a vote if money is received. More often than not, an actual bribary offer is implicit, rather than written, and the transaction can't be touched.

Government Code Section 19251 directs each state agency to identify those outside activities which will be considered inconsistent or incompatible with the duties of its civil service employees. These statements lack criminal sanctions for violations, however, and, in fact, do not preclude many activities that would be prohibited if state employees were included — which they are not — under Government Code Section 1090.

Disclosure

In 1969 the California Legislature enacted a fairly stiff financial disclosure law, introduced by former Assembly Speaker Jess Unruh, which required every "public official" and candidate for state and local office to disclose his investments and those of his immediate family. Disclosure legislation has become increasingly popular among the states as a complement to conflict of interest legislation. Many state laws, including, for example, that of Massachusetts, are much stricter than the Unruh legislation. Nevertheless, California's disclosure law was short-lived, for the State Supreme Court declared the law unconstitutional in March of 1970. In its decision, *Carmel-by-the-Sea v. Young,* the court held the law's provisions to be an over broad intrusion into the right of individual privacy. The Unruh law specifically required public officials generally and candidates for state and local public office to file public statements describing the nature and extent of any investments in excess of $10,000 which pertained to corporations or business entities subject to regulation by any state or local public agency. The court held that regulations prohibiting conflicts of interest must be "limited to only those transactions or holdings which have some relationship, direct or indirect, to the official duties of the public officer or employee."

A bill introduced this session by Orange County Assemblyman Ken Cory, AB 162, follows the court's mandate by requiring public officials to disclose those of their investments which are subject to regulation by the agency of which they are officers. Those officials who disclose their investments under this provision are to be granted immunity from penalty for violation of present conflict of interest laws. The bill's provisions apply only to planning commissioners and elected state officials, however, and appointed officials, elected school board members, and the members of the governing bodies of special districts are not covered.

The Cory legislation, first introduced in 1971, is based, as are all disclosure measures, on the assumption that the best method of avoiding and dealing with conflicts is to give them public exposure. There is substantial opposition, however, to the entire concept of public disclosure as an effective deterrent of conflict of interest. A leader of that opposition is another Orange County legislator, Senator Dennis Carpenter, former state chairman of the Republican Party. According to Carpenter, to require public disclosure will discourage those who believe in the right of privacy from running for public office and will provide information that only satisfies the "morbid curiosity" of individuals who want to pry into the lives of public officials.

Carpenter's solution to the conflict of interest problem, to be embodied in a bill of his own, is the creation of a blue ribbon commission, composed of members from the state Supreme Court, superior and municipal courts, accountants, attorneys, and any additional closely related professions, with the membership evenly divided between Democrats and Republicans. It will require, says Carpenter, a small staff and a limited amount of financing. It will have responsibility for upholding legislative ethics as well as investigating potential and alleged conflicts of interest. All persons holding and seeking public office will submit to the commission a complete financial statement and record of income, which will be maintained in secrecy. If, after investigation, an individual is determined to have a conflict of interest and he fails to divest himself of that interest or quit office, the commission is to initiate public action against the individual. "This plan," says Carpenter, "has the public interest at its foundation and could induce more qualified individuals to seek political office."

Alternatives

Any consideration of the conflict of interests problem exposes a painful dilemma. On the one hand, unless a prohibition is broadly enforced, the general moral tone of government is adversely affected. On the other, if government service should attract the most qualified individuals, too broad a conflict of interest prohibition may preclude many otherwise highly qualified persons from entering public service. Roger Fellmeth, the director of Nader's California task force, clearly favors much stronger laws than California now has or than have been proposed. The Nader report on California listed three essentials to good conflict of interest legislation: a specific, precise law; an independent enforcement mechanism; and criminal sanctions.

The Nader Report recommends complete divestiture for all public officials under a system whereby non-personal assets are put into a blind trust, so that the owners will receive the interest on secure investments, but won't know where their assets are. Furthermore, when an official who has served on a regulatory agency leaves office, he should be prohibited for a certain number of years from taking a job with the regulated

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industry, according to Fellmeth, "to prevent the deferred bribe kind of thing that's extant in Washington and in Sacramento."

Qui custodiet ipsos custodes? "Who keeps the keepers" Juvenal asked centuries ago in his Satires. Certainly the people, in a democracy, must police their government. But the people can do little without adequate laws to enforce their will.

Governor's Appointments

The Governor of California makes roughly 4000 appointments in a four-year term of office. Governor Ronald Reagan, according to his appointments secretary Edward B. (Ned) Hutchinson, has selected nearly 5200 Californians to serve on advisory panels, regulatory commissions, governing boards, and in state executive positions since taking office in 1967. While there have been several rather dramatic revelations of interest conflicts in recent months involving Reagan appointees, the administration has generally enjoyed a record relatively free of such incidents.

Unerring accuracy in appointments is clearly an impossible task for even the most conscientious Governor, not only because of the volume of appointments he and his staff must make each year, but also because of the statutory restrictions on his appointment powers in many cases. It is the general rule rather than the exception that most members of professional, industrial and trade regulation boards in California are required by statute to be members of the profession, industry or trade which they, in some way, regulate while maintaining full-time employment outside state service. Moreover, only in a very few cases are the board members expected to serve full-time. On the average seven-member board, for example, often only two members are chosen to represent the general public. Thus, the statutes setting up the State Contractors Licensing Board spell out what specific type of contractor is to fill each seat on the board. The State Board of Agriculture has firmly entrenched representatives of large farming interests. The State Board of Forestry has its loggers, and the Real Estate Commission its realtors.

The result of this system in the eyes of many critics, is the regulation of the executive branch of state government by industry, rather than the other way around. The aims of regulation can be easily perverted. The boards are to prevent the industries and professions from passing their costs on to future generations, to neighboring landowners or competitors, to wildlife and resources, and they are to police shoddy practices, but the result too easily can be quite different.

Full-Time Boards

Nader report director Roger Fellmeth and his staff proposed a departure from this "private interest", self-regulatory system, to one with full-time professional board members who have specialized knowledge in the area of the board's purview but no financial interests in the outcome of their decisions. Ironically, the system coming closest to that Nader report ideal on the state level, is the State Water Resources Control Board, where professionals from law, chemical engineering and sanitation sciences sit full-time on the board. Unfortunately, that was not enough to keep a conflict of interest charge from arising concerning the board's chairman.

The state-level water quality board is an exception in its full-time membership. The state Air Resources and the regional water quality boards are in the more traditional mold. At present, the law mandates that membership on the local water boards — which regulate water purity, waste disposal and water pollution — be composed of representatives of various industries that cause much of the pollution. For the second year, Senator David Roberti has introduced legislation, SB 737 and 738, that would prohibit persons from serving on the local water boards who have direct interests in the polluting industries.

California is lashed to the traditional system for a number of reasons, however, including the fact that it continues to pay most appointees, particularly on regulatory commissions and boards, as low as $25 a meeting and travel expenses, for an annual schedule of six or eight meetings. And the decisions made by these bodies, according to appointments secretary Hutchinson, require an expertise that must often be quite sophisticated. A malpractice action against a physician could not be adequately heard by the public members of the Medical Examiners Board alone. The understanding, however, that members of the California regulatory boards must earn their keep elsewhere causes a natural selection of only those who are financially — and professionally — secure.

The Appointments Process

Appointments Secretary Hutchinson, together with the Governor, culls potential regulatory board and exeutive appointees from informal suggestions made to the governor's office by businessmen and legislative leaders, Chambers of Commerce, social and benevolent associations, and, of course, present board members. Those under consideration for a full-paid executive office or a seat on a major board or commission (like the Board of Education or the Board of Regents of the University of California) are thoroughly investigated. Hutchinson makes an extensive check into the candidate's personal and business background, interviewing friends and associates and even running credit checks. The administration also demands from these individuals a detailed financial statement with reference to all sources of income and all property holdings. Where there is an obvious conflict of interest, the appointee is asked to divest himself of the questionable holding. Not all do, however, if they can convince the administration that the conflict will not influence their official decisions, says Hutchinson.

Those under consideration for smaller commissions and boards, who will attend only 8 to 10 meetings a year, need only report those holdings they personally believe might conflict with their office. A similar voluntary system is used for all employees of the State Assembly. An Assembly official termed that system a "futile" effort, that has resulted in only two divestitures by Assembly employees since its inception.

Recent exposés in the Reagan administration have caused little change in the method of appointment. The questionable involvements of Water Resources Control Chairman Kerry Mulligan evolved after he took office, so Hutchinson will now require an annual "update" on conflicts information from executive appointees. But the information will still come from the official himself, hardly a deterrent, it seems, to those who would operate in bad faith. But it is at least, Hutchinson argues, an annual reminder to those who would be tempted to betray the public trust.

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Controller Serves as State Paymaster, Guardian of the Treasury and Chief Tax Administrator

Among the seven executive offices of government established by California's constitution, the three which seem most anachronistic according to the precepts of modern political science are those of Secretary of State, Treasurer and Controller. Among these three, perhaps the most difficult to explain is that of Controller. The office, which was established in 1849 with the state's first constitution, has come to encompass a group of administrative activities in the area of taxation and fiscal control which seem more appropriate to an appointive position subordinate to the Governor than to an independent elective office. And yet because the person who holds this office is also a member of some 27 boards and commissions, at least one of which is likely to be in the news at any given moment, it is an office which has some attractiveness to politicians who seek just that amount of statewide exposure which will make them eligible for higher office in the eyes of party leaders and the voters.

It is nevertheless widely accepted among capitol veterans that Houston I. Flournoy, who has held the office of State Controller for the past five years, was induced to run for that office in 1966 against his better judgment. This may have been because Flournoy was a professor of government at Pomona College and the Claremont Graduate School, specializing in constitutional law and political science — as well as an Assemblyman — prior to his election in November 1966, although it is also true that the incumbent, Alan Cranston, was considered unbeatable. Whatever the reason, it is evident that Flournoy has learned to make the most of his office and to achieve the sort of nonpartisan recognition as a statewide executive officer which is so useful to politicians in this state. As a consequence, Flournoy's name is invariably included in the list of those of his party who are likely candidates to succeed Governor Reagan in 1974. And it is evident that he does not disapprove of this recognition.

Fiscal Officer

The Controller is the state's chief accountant and guardian of the treasury. The office itself is divided into seven divisions with a total professional and clerical staff of 577 and a total budget, for the current year, of $7.3 million drawn from the General Fund ($5.9 million) and four special funds. To assist him in managing his office, Flournoy has two staff members who are exempt from civil service: Chief Deputy Controller Kirk West, who was previously deputy director in the Department of Finance, and Glenn Paschall, who most recently served as an assistant to Washington's Governor Dan Evans. He also has a Deputy Controller, Ralph I. McCarthy, who is a civil servant with many years of experience in the Controller's Office and who therefore has a major role in the day-to-day administration of the office.

The principal functions of the Controller's office are to: control the receipt and disbursement of public funds; report the financial operations and condition of the state and of local governments; collect certain taxes; provide assistance to local governments in financial matters; and serve on fiscally oriented state boards and commissions. For budget purposes these functions are grouped under four program titles: fiscal control, tax administration, local government fiscal affairs, and administration.

The largest of these is the fiscal control program, which includes the maintenance of accounts for some 150 different funds in the state treasury, preparation of the state's financial reports, computation of certain apportionments to local agencies, audit of all claims for state expenditures, audit of the financial records of local agencies, issuance of some 7.5 million warrants each year in payment of the state's obligations, and administration of the state's payroll system. Since several of these activities are highly computerized, a data processing unit has been established which now serves a number of other state agencies as well.

Next year the Controller's office will take on a new function when it becomes responsible for refunding overpayments of state income taxes under the new withholding system. It is currently estimated that some 5.2 million refund payments will have to be issued in the first half of 1973 for overpayments on 1972 taxes. Another significant increase in the office's workload will occur when, on an experimental basis in two counties, the state takes over the payment of Medi-Cal claims which are now handled by fiscal intermediaries under contract to the state.

Tax Administration

The next largest program in the Controller's office covers the administration of gift and inheritance taxes, gasoline tax refunds, and the collection of delinquent fuel and transportation taxes. The principal activity under this program, and the one which has attracted the most attention in the past, is the administration of inheritance taxes. Inheritance taxes are levied by the courts based upon the recommendations of inheritance tax referees appointed by the court from a panel set up by the Controller. For the current year it is estimated that the inheritance tax referees will prepare approximately 40,000 "taxable" reports which will yield $202 million in revenues to the state. Every report is audited

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by one of the Controller's three district offices to ensure that the state receives the full tax due.

The controversy surrounding this program has had to do with the fact that the 165 inheritance tax referees are appointed to the referees' panel by the Controller and are not civil servants, as are all the state's other fiscal agents, but private individuals who serve only part-time in this capacity. They are not paid a salary but a fee based upon a percentage of the amount of each appraisal. Inasmuch as an inheritance tax referee may gross between $35,000 and $60,000 per year and net as much as $30,000 or more from fees for his services, these are obviously positions which are highly sought after in the more populous counties, and the appointment power which the Controller has gives him a small "spoils system" which he may be tempted to use to his own advantage.

This was, in fact, the charge levied by Flournoy when he first ran for the office against Alan Cranston in 1966. Previous Controllers, he said, had set up their own patronage systems with kickbacks in the way of campaign contributions that helped to keep them in office. Flournoy vowed, if elected, to back legislation taking the appointment power away from the Controller and bringing the inheritance tax referees under the state's civil service. As he promised, he has regularly supported such legislation, but to no avail, for the bills have been defeated regularly. Several significant changes have been made, however. In the fall of 1967 Flournoy, by an administrative ruling, required that all referees with permanent appointments must have passed an examination administered by the State Personnel Board. According to Glenn Paschall, Flournoy's assistant deputy, 90-95 percent of all the present inheritance tax referees have passed this test.

Three years later, in 1970, legislation was passed writing the test requirement into the statutes and adding such other provisions as a prohibition against donations by a tax referee to a Controller's reelection campaign and restricting the ability of a newly elected Controller to fire the referees appointed by his predecessor. Although Flournoy says he continues to favor civil service status for the referees (a proposal successfully opposed by the state bar association), he acknowledges that most of what he sought to accomplish by his proposed legislation has been achieved in other ways.

Local Agencies

The third major program of the Controller's office is to advise local government agencies on the preparation of uniform and effective budgets and financial reports and the efficient collection of their local property taxes, and to prepare annual reports on the financial transactions of all local agencies. There are some 6,000 local government entities in the state, including counties, cities, school districts and other special districts. In this capacity the Controller is also responsible for reviewing and reporting on the use of state gas tax funds apportioned to the cities and counties for street and road construction and maintenance.

In addition to these functions, the Controller is a member of some 27 state boards and commissions which have fiscal responsibilities of varying degrees of importance. The most important of these are the State Board of Equalization, which is the state's largest tax collection agency (sales, use, gasoline, cigarette, alcoholic beverage, and utility taxes); the Franchise Tax Board, which administers the personal income tax and the bank and corporation taxes; the State Lands Commission, which manages the state's tide and submerged lands; the Council on Intergovernmental Relations, which deals with relations between local, state and federal government agencies; and the State Board of Control, which approves claims against the state. Flournoy was also one of five members of the Reapportionment Commission, which for a short time late last year entered the controversy over legislative reapportionment until it was ruled unconstitutional by the state Supreme Court (see *California Journal*, January 1972).

It is the Controller's role as state paymaster and his membership on the two state tax collection boards which make him one of the state's principal figures in the field of tax and budget policy. Although he has little real power to act directly to affect the state's fiscal policies, he is frequently in a position to comment authoritatively in public and to the Governor's cabinet on those policies and thus to exert important pressure on their development. Most recently, Flournoy, who has long had a special interest in education and school finance, has been pressing for state action in response to the Supreme Court's *Serrano* decision mandating a major overhaul of school support. Although Flournoy appears to be increasingly pessimistic as to the willingness of the Reagan administration and the Legislature to act in the absence of further action by the courts, he is continuing to press for early consideration of alternative ways to reconstruct the state's school finance system to conform to the *Serrano* ruling.

This also gives Flournoy a good reason for getting around the state, speaking to a wide variety of audiences, presenting his views on a subject of particular interest to him and in which he has gained considerable expertise over the years—and keeping his name before the public. In this and other ways he has maintained his position as a potential candidate for higher office — Governor or U.S. Senator — in 1974.

Senate Committee Changes

Upon the appointment to the judiciary of the Senate's Water Resources Committee chairman Gordon Cologne, the Senate Rules Committee merged that committee with the Agriculture Committee to make a new Agriculture and Water Resources Committee with an expanded membership of nine. Senator Burgener was added to the new committee and dropped from the Elections and Reapportionment Committee. Senator Coombs, the Vice Chairman of Water Resources, replaced Burgener on the election committee. Senator George Zenovich replaced Cologne on the Natural Resources and Wildlife Committee and is believed to hold the balance of power on the controversial costline legislation which was one vote short of passage in this committee last year.

Senator Roberti replaced Cologne on the Business and Professions Committee, Senator Marler replaced Cologne on Judiciary, and Senator Mills replaced Marler on Transportation. The Health and Welfare Committee membership was increased by two, and one of the positions was filled by Senator Moscone. The other spot remains vacant.

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Interview: Controller Houston I. Flournoy Discusses His Accomplishments and Plans

Houston I. Flournoy must be one of the very few holders of high political office in the nation who also has a Ph.D. (from Princeton). Flournoy was Associate Professor of Government at Pomona College and Claremont Graduate School when he was elected to the state Assembly in 1960. In 1966 he squeeked out a long-shot win for Controller, and won reelection in 1970 by 1.5 million votes. California Journal *interviewed Controller Flournoy in his Capitol office on March 28th.*

California Journal: Would the state of California be any different if there were no office of Controller?

Houston I. Flournoy: Oh, I think it would be in that I feel that the independent status of the Controller lends support and credence to the accounting, auditing and particularly the reporting function that he performs. He is not tied in with the preparation of the budget nor the forecasting of fiscal events which the Finance Department necessarily has to do. But he comes along afterwards with the opportunity to report on a straight out basis what in fact happened. We've seen in recent years, the budget controversies which tend to be almost annual, that whether there's going to be a surplus or deficit and how much the surplus or deficit is going to be are important to the determination of many policies. And there would inevitably be a tendency, if the figures did not come out the way you had predicted them, to want to make them appear as favorable as possible, if you are involved necessarily with that projecting process. It's very important that the Controller isn't.

Journal: As a political scientist, however, the idea of a single Department of Revenue must have been attractive to you at one time. How do you feel about that now?

Flournoy: The idea of a Department of Revenue appointed by the Governor, consolidating and, in effect, eliminating the Board of Equalization, the Franchise Tax Board and everything else, I think has had a theoretical attraction. But I can't really say that in terms of the administration and collection of taxes that I feel that the present arrangement is so bad that it ought to be changed. I think it has been fairly efficient.

Journal: As a member of the Board of Equalization and the Franchise Tax Board, you have an opportunity to speak out on tax issues, but do you really have any more substantial role than that?

Flournoy: I think so, of course. Part of it I may claim because of the fact that a couple of years ago the Governor asked me to be the chairman of his advisory commission on tax reform, and we did come forth, after some significant study, with a proposal for tax reform that necessarily got us involved with the whole gamut of the distribution of the burden, as well as its administration. That, plus the board I sit on and participation in practically every tax we collect, in one way or another, I think, gives us an influence. We're not instrumental in changing the tax structure, however, except to the degree that we can persuade the Legislature or the Governor, or both, to pursue a course that we think is desirable.

Journal: Did you have any particular role in last year's tax negotiations?

Flournoy: No, I didn't, as far as the negotiation between the Governor and the Legislature. I wasn't involved with that except in spirit in urging that whatever else happened we had to have withholding because of our cash flow problems.

Journal: One of your prime interests right now, apparently, is goading the state into some response to the Supreme Court's *Serrano* decision. In this case both the Legislature and the administration seem to be dragging their feet. How are you going about this and what impact can you have?

Flournoy: Well, I feel that's a real responsibility for a lot of reasons. One, I'm a defendent in the *Serrano* case so I feel that I have standing to say something, despite the fact that I'm glad we lost at the Supreme Court level. And certainly I spent an awful lot of time working with people in education and finance trying to deal with the results of inequitable school support when I was in the Legislature for six years. I think it's a most important part of tax reform, and as a personal view I get very very unhappy when I see all kinds of grandiose proposals for tax reform that fundamentally fail to touch what is the most inequitable burden on the property taxpayer, by far, and that's the way we finance schools. We said all this in our tax reform commission report, when we proposed a statewide property tax for schools as the key to tax burden equity. I've advocated it since and I participated on Wilson Riles' Task Force which came up with a proposal this year to implement *Serrano*.

Talking around the state, it's amazing, despite all the publicity it's gotten in many ways, how few people really understand how gross the inequities are. They're always astonished when you really lay out for them just how it works.

I would, of course, like to see the Legislature act now, and I think that the outlines of what they have to do are perfectly clear. It's just a question of what proportions you're going to mix: a reliance on a statewide property tax and new state money to come up with a guarantee that is somewhere close to what it costs to educate kids today in California. I always hate to see the court come along and tell the Legislature to do something I think the Legislature and the state should have done on its own merits a long time ago.

Journal: Are you very optimistic that there will be any action?

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California Journal Reader Survey

Dear Reader:

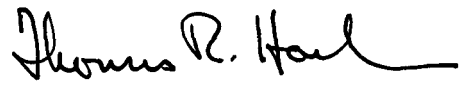
This is a reader survey with which we wish to solicit your views on the *California Journal* and suggestions for ways in which to improve the publication. Your response will help us to assess our success in providing you with the information you need and want from the *Journal*. This information will also allow us to consider changes which will make the *Journal* more useful and interesting for you.

Your responses will be confidential and used only in our analysis. Your name need not be included.

Please check the appropriate boxes and fill in answers where indictated. After completing the questionnaire simply remove the form from the magazine, fold it, fasten it and drop it in the mail. We'll pay the postage.

Your assistance in filling out this questionnaire will be most helpful to us and hopefully will prove valuable to you as the *Journal* continues to grow and develop. Thank you for your time and cooperation.

Sincerely,



THOMAS R. HOEBER
Editor

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As you know, the *California Journal* reports on issues and events in state government and politics. The types of articles appearing in the *Journal* can be categorized as follows: *standard departments*, such as Newsbriefs, California Calendar, State Government Reports, and interviews with state government leaders; *short articles* of two or three pages reporting on current issues, and *long articles* of four or more pages providing a detailed examination of topical state policies and problems.

1. Of the articles of two or more pages in length, do you usually read . . .
   - ☐ all articles
   - ☐ most articles
   - ☐ some articles
   - ☐ no articles

2. Of the standard departments printed in the *Journal*, please check those you read regularly.
   - ☐ Editor's Note
   - ☐ Interview
   - ☐ Newsbriefs
   - ☐ Lou Cannon's Letter from Washington
   - ☐ People in the News
   - ☐ California Calendar
   - ☐ State Government Reports
   - ☐ Voting Record

3. What standard departments would you like to see added to the *Journal?*

   _____

   _____

   _____

4. What kinds of changes would you like to see in existing standard departments?

   _____

   _____

   _____

5. Which of the subjects listed below are of particular interest to you? (Please check as many subjects as you wish.)
   - ☐ Agriculture
   - ☐ Business
   - ☐ Consumer affairs
   - ☐ Campaigns, elections and politics
   - ☐ Courts and judiciary
   - ☐ Environmental affairs
   - ☐ Health
   - ☐ Housing
   - ☐ Law enforcement
   - ☐ Legislature and executive branches
   - ☐ Lobbying
   - ☐ Local and regional government
   - ☐ Minority affairs
   - ☐ Penal reform
   - ☐ Public finance
   - ☐ Transportation
   - ☐ Welfare
   - ☐ ALL OF THE ABOVE

6. Which of the subjects listed above would you like to see given more coverage?

   _____

   _____

7. What subjects not listed in Question #5 would you like to see covered in the *Journal?*

   _____

   _____

8. Of the various types of articles in the *Journal*, which are most valuable to you?
   - ☐ Comprehensive analytical articles
   - ☐ Briefer articles on current developments
   - ☐ Descriptive articles regarding the organization and process of government
   - ☐ Standard departments (such as Calendar, Reports, etc.)
   - ☐ All of the above

9. Regarding the balance between shorter articles and longer articles, which of the following statements best describes your feelings?
   - ☐ I would prefer more short articles (1-2 pages) and fewer long ones
   - ☐ I would prefer more long articles
   - ☐ The current mix seems about right

10. Leaving the content of the articles aside for a moment, would you say that the format and layout of the magazine . . .
    - ☐ make the *Journal* easy to read
    - ☐ make the *Journal* about average in readability
    - ☐ make the *Journal* difficult to read

11. Please suggest any changes that would make the *Journal* more readable for you.

    _____

    _____

    _____

    _____

12. What, specifically, do you like about the *California Journal?*

    _____

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13. What do you dislike about the *California Journal?*

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    _____

14. How did you become a *Journal* subscriber?
    - ☐ Mail solicitation
    - ☐ Gift subscription
    - ☐ Recommendation of a friend
    - ☐ Seeing the *Journal* quoted in a newspaper
    - ☐ Recommendation of a professional organization
    - ☐ Just happened to pick up a copy and became interested

    Other _____

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15. Do you feel the price charged for the *California Journal* is . . .
- ☐ high
- ☐ about right
- ☐ low

16. Please check the type of subscription you have.
- ☐ Individual
- ☐ Library
- ☐ Government agency
- ☐ Corporation
- ☐ Association
- ☐ I am not now a subscriber

17. When did your subscription begin?
Month _____ Year _____

18. How many people usually read your copy of the *Journal*?

_____

19. Do you use the *Journal* primarily . . .
- ☐ as a resource in your profession
- ☐ as a citizen, to keep informed

Other _____

20. Please check the single category which most accurately describes your occupation. If more than one category applies, check the occupation most closely related to your interest in the *Journal*.
- ☐ Elected official
- ☐ Lobbyist
- ☐ Administrator
- ☐ Educator, teacher
- ☐ Executive
- ☐ Attorney
- ☐ Journalist
- ☐ Librarian
- ☐ Consultant
- ☐ Student
- ☐ Secretary, clerk
- ☐ Housewife

Other _____

21. Please check the category which most accurately reflects the organization for which you work or with which you are primarily affiliated.
- ☐ Federal government
- ☐ State government (General)
- ☐ State Government (Legislative)
- ☐ Local government
- ☐ School K-12
- ☐ Higher education
- ☐ Radio, TV
- ☐ Military
- ☐ Republican Party
- ☐ Democratic Party
- ☐ Business
- ☐ Association
- ☐ Newspaper, Magazine
- ☐ Institute or foundation
- ☐ Union
- ☐ Community action organization

Other _____

22. Please use the remaining space on this page and the next page to comment, criticize, berate, or make suggestions for improvement of the *Journal*.

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Flournoy: I'm optimistic there will be action. I'm not very optimistic about when it will happen. Unfortunately the case had to go back to lower court for trial; we're in the beginning period of the trial. I just wish we could expedite it, and I don't think that there's any logic for California to wait for the federal government to come along because we could wait an awfully long time.

Journal: You've tried to make the inheritance tax referee a civil service position for five and a half years, but they're still your appointees. Why have you been unsuccessful in getting that change adopted, and what is your present basis for making appointments to the position?

Flournoy: Well, let's take the latter first. The present basis is the basis of the Cologne bill which was passed and became effective last July 1st. The Cologne bill basically put some improvements into the statutes as to the way in which the system operates. I tend to view it, perhaps not totally objectively, as sort of putting in the statutes things that we have done administratively since 1967. Part of the reason that I haven't been able to get the ITR's established as civil servants is that the Cologne bill was passed. It put me in an awkward position when it was before Legislature in the sense that I couldn't very well oppose what was in it, except by saying it didn't go far enough. After they killed my bill which would have gone farther, I couldn't very well say "don't do this". It does provide statutory protection and I think that's beneficial so long as the system is going to be retained. And it does take away the worst abuses, or potential abuses, of the system. In terms of my ultimate goal, however, it takes away the best examples I had of how bad the system was.

Journal: As chairman of the State Lands Commission, what was your response to the Nader Task Force criticisms of that commission?

Flournoy: I think the Nader Report was really quite sloppily done and woefully inaccurate. And whatever value there may have been in the whole thing, and I didn't read the whole thing, I think they destroyed their credibility by their terrible errors. They imputed things that were untrue just on the basis of an association. Just because Ed Reinecke and I were elected, therefore we had succumbed to the corporate interests because they gave us money. Nobody gets elected without getting money from somebody or from some corporation, and to draw a casual relationship is a logical fallacy, just a lot of balony. Plus they were accusing Reinecke of doing things Finch did because he was the guy on the committee at the time they were talking about.

Journal: What about the point, though, that those who manage the leases of tidal and submerged lands and are also responsible to see that the state has maximum revenues have a built-in conflict of interest?

Flournoy: I think there's a potential conflict and a concern, and yet it seems to me that the record of the Lands Commission shows that we've been tough. We've been fighting the federal government, ever since they had the Santa Barbara blowout, about their proceeding to drill in areas that we don't consider to be adequately protected by any kind of recapture and containment devices. And to this day in most areas we are not letting anybody drill. Certainly we've let nothing go off a platform since the blowout, because we have put the burden on the oil industry to demonstrate to us that they will have the equipment so that if they have a spill they can contain and then recover it. We have, I think, two wells going off Huntington Beach on a man-made island, where they have much better facilities to contain it on board the island than you do on a platform.

Journal: You recently served as a member of the now defunct Reapportionment Commission. As you may have seen in our last issue, we ran a piece by Eugene C. Lee in which he raised very fundamental questions about the appropriateness of the Legislature reapportioning itself. Do you concur in that conclusion?

Flournoy: I concur in one or two ways. The basic thing I thought was important about Gene Lee's letter and his observations is the really damaging impact on a representative institution of safe one-party districts, whether they be safely Republican or safely Democratic, and the almost inevitable tendency of the Legislature to create such districts when they do the job.

My concern with not doing it in the Legislature is how do you find anybody who is objective? There are not, I am aware from my brief experience with the Reapportionment Commission, any automatically acceptable criteria that instrumentally produce objective, universally accepted results. There are, inevitably, questions of judgment that go into it. And whether you can find a body that is "objective" enough to do the job, I don't know.

I have thought that maybe we ought to change the primary law, if we don't change the way we do the districting, so that we can have broader participation of all the people in the district regardless of party registration. I tend to be attracted by the kind of primary they have in the state of Washington and in Alaska — the blanket primary. This is like a special election ballot in California, with all the nominees there together, and every voter regardless of party, can vote for one, with a runoff between the top two, one from each party. It does create the opportunity for the independents who vote, the decline-to-stater's, as well as the minority party in the district, whoever it is, to try to get together and reassert some kind of majority across-the-board influence on a district election. And I think with the closed primary in one-party districts you tend to move towards a kind of minority rule in that district. The minority of the majority really runs it.

Journal: There is a rumor that you will not be candidate for Governor or U.S. Senator in 1974, that you will run for reelection and bide your time until the Senate race in 1976. Would you care to deny or confirm that rumor?

Flournoy: The rumor has no validity in the sense that I have made no determination as to what I will do in 1974 with any certainty. I think it's narrowed the field to three options that I might consider — Governor or Senator or reelection — but I certainly haven't precluded running for a different office and indeed might well be tending toward taking a fling at it. I never really thought my ultimate aim was to become the Frank Jordan of the Controller's Office.

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Bay Area Rapid Transit System Nears Initial Test Of its Promise to Reduce Commuter Congestion

When the San Francisco Bay Area Rapid Transit system — or BART, as it has come to be known — begins operation later this spring, it will not only be California's first metropolitan rapid transit system but one of the largest urban public works projects ever undertaken in the United States. Constructed at a cost of $1.4 billion, it will include 75 miles of track, 34 stations scattered among fourteen communities, and the largest and deepest underwater tube of its kind in the world. Critics of the system point out that this is considerably less than the 123 mile system proposed originally and that even for this truncated network construction has run nearly a year behind schedule. (As recently as last September BART General Manager B. R. Stokes promised, in an excess of optimism as it turned out, that the trains would be running by mid-March of this year.) Yet the fact that the system has in fact been built, cutting through the heart of a major urban center and through a multitude of separate local jurisdictions, is in itself a great tribute to the abilities of those who planned and carried out BART's construction.

What is not so clear is whether BART will significantly reduce traffic congestion and air pollution in San Francisco as it is intended to do. When in full operation, BART's trains will have a peak capacity of 28,800 seated passengers per hour, but this is only about 10 percent of the estimated current number of Bay Area commuters. Moreover, the continuing growth of San Francisco's businesses and industries, to which BART itself will be an important contributer, is expected to create enough new jobs by 1975 to increase the number of commuters by as much as 30 percent. Since there will not be room for all these new commuters on BART's trains, the number of private automobiles moving in and out of the city will continue to increase, as will the pollution from their engines.

First Plan

For the original planners, however, the objective was not so much to reduce traffic congestion and smog as to link together the various communities on the San Francisco Bay and to expand the bay's capacity as a civilian and military shipping center. Thus when the Army and Navy joined in 1947 to recommend construction of a transit tube under the bay, it was to link the military and industrial facilities around its perimeter. Two years later lobbyists for public and private interests in the Bay Area persuaded the Legislature in Sacramento to pass the San Francisco Bay Area Metropolitan Rapid Transit District Act, a measure designed to promote the development of a Bay Area rapid transit system to stimulate development of the San Francisco harbor as a center for domestic and international trade.

Interest in rapid transit nevertheless grew very slowly. It was not until 1953 that a 26-member Bay Area Rapid Transit Commission, formed two years earlier at the direction of the Legislature, declared that there was an urgent need for mass transit and proposed a preliminary mass transit plan for the area. The Legislature responded by appropriating $400,000 in state funds, to be matched by $350,000 in local support from the nine Bay Area counties, to cover the cost of the initial planning and for publicizing the plan among the residents of the area. This second element, especially, seemed a major political victory to those who backed the idea, for it gave them for the first time the resources necessary to begin generating the public support which they needed to carry out their plan.

Preliminary Plan

In January 1956, the commission submitted a plan, developed by a New York engineering firm, which called for construction of a total of 385 miles of rapid transit rail line, including 123 miles of track in the first stage and 42 miles of track in a second stage. The first stage was to be started immediately, with second stage to be begun by 1970 and much of the remainder to be built over the next 20 years.

It took more than six years, however, to convert this preliminary plan into a set of final plans, complete with a proposed system of financing, which could be submitted to Bay Area voters. During the early part of this period, considerable effort was devoted to building public support throughout the nine counties and especially among the business community. This effort was successful to the extent that when the Legislature gave final approval in June of 1959 to the creation of a Bay Area Rapid Transit District, five of the nine counties (San Francisco, San Mateo, Alameda, Contra Costa, and Marin) had endorsed the plan and were included in the new district. Two years later, in June 1961, the engineering consultants submitted their final plans for a five-county system which they estimated would require 10 years to construct at a cost of $1.2 billion. Financial consultants to the commission recommended that the district seek voter approval for $1,078,000,000 in general obligation bonds plus $133 million from Bay Bridge auto tolls to pay for construction.

Two Counties Out

In what proved later to be a crucial action, the Legislature, with some reluctance, agreed to reduce the vote required to approve the district's bonds from the standard 66⅔ percent to 60 percent. But the plan suffered two major setbacks before it could be presented to the voters. In late 1961, the San Mateo County Board

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of Supervisors voted to withdraw from the system, arguing that San Mateo commuters were already adequately served by the Southern Pacific Railroad, which would be seriously hurt by the addition of a rapid transit line. Shortly after this, when the directors of the Golden Gate Bridge finally acceded to heavy public pressure and voted to deny use of that bridge for BART's trains, Marin county also withdrew. The action by the bridge directors meant that Marin County would be excluded from the first phase of construction. Moreover, there was by this time some feeling among Marin County residents that BART would stimulate the kind of high density growth which they did not want.

Following withdrawal of San Mateo and Marin Counties, the proposed plan was scaled down to a three-county system and submitted to the board of supervisors of those counties. Following their approval in July 1962, a campaign was launched (at a reported cost of $186,000) to sell the revised plan to the voters of the three counties in the form of a $792 million bond issue. The vote, which came in November 1962, was very close. BART won 68 percent of the ballots in San Francisco but a bare 60 percent in Alameda County and only 54 percent in Contra Costa County. The total "yes" vote in the three counties came to 61.2 percent, only 1.2 percent over the absolute minimum required.

The narrowness of the margin encouraged opponents to make one more effort to block construction of the system, this time through a lawsuit challenging not only the Legislature's authority to reduce the minimum required vote from two-thirds to 60 percent, but the involvement of BART officials in the election campaign, the contract with the districts' engineering consultants, and the legality of the district itself. Although all of the charges were eventually dismissed, the suit delayed the start of construction by six months, thus forcing a revision in BART's construction schedule at the very start and ensuring that the cost of building the system would surpass earlier estimates.

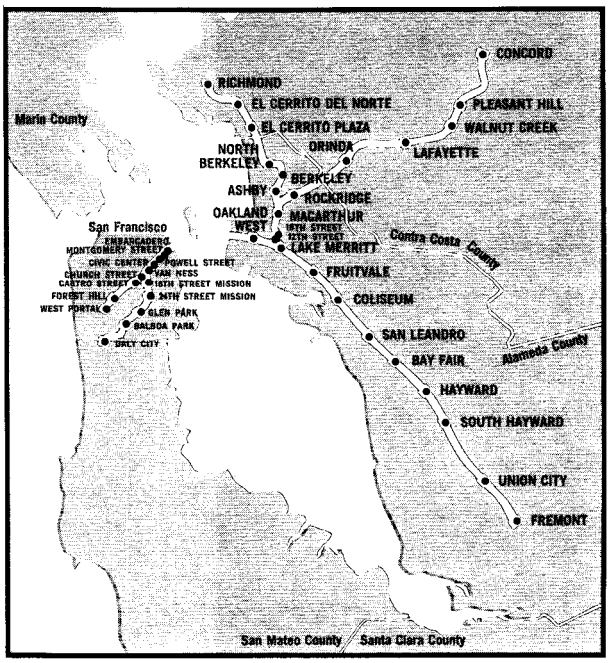
Basic Features

By the time construction of the system was begun in July 1963, the basic features were well established. The system, the planners agreed, had to be safe and dependable as well as fast and comfortable if it were to attract the volume of passengers it needed to operate economically and to make a significant dent in the flow of automobile traffic; it had to provide convenient facilities for passenger collection and distribution and be as aesthetically pleasing as possible; it had to be flexible enough to permit changes and additions, taking advantage of technological advances as they came along; and, finally, it had to be economical to construct and operate.

In the original planning the engineers had considered four types of systems: a suspended monorail system; a bottom-supported monorail system; a bottom-supported pneumatic tire vehicle which would run over some sort of guideway; and a bottom-supported flanged wheel vehicle running on two steel rails. This last, more conventional, system was the one finally selected, not only on the basis of known performance but also because it appeared to offer the lowest operating and construction costs and the greatest adaptability to construction underground, "on grade," and on elevated tracks. Of the first 75 miles of track, approximately 31 miles are elevated, 24 miles are "on grade" and 20 miles are underground or underwater.

The entire system — from fare collections through train control — is to be operated by a computer-based electronic complex centered in Oakland. Passengers will purchase their tickets from IBM machines which will sell three types of tickets: minimum fare (short rides), exact fare (longer rides), and "stored fare" tickets of up to $20 in value which can be used repeatedly until their full value is used up. Fares will be collected by automatic exit gates. The trains themselves will be operated by an automatic train control system (assisted by passenger attendants, central dispatchers and an "operator" in the front cab) and run at speeds of up to 80 miles per hour with a 45 miles per hour average, including 20-second station stops. Projected schedules call for trains of two to ten cars each to arrive and depart with intervals as short as two minutes at peak rush hours. Each of the cars will seat 72 passengers and will be propelled by four 150 horsepower electric motors.

The first of 10 prototype cars were received in August of 1970 and immediately put through intensive testing. The testing program did not fail to uncover several problems, but in general the newly designed



cars lived up to expectations, and the manufacturer began production of the first 250 cars needed to make the system operational. It was not until late 1971 that a serious snag developed in this part of the timetable — the Rohr Corporation's Chula Vista plant was closed down by a strike which lasted nearly six months, delaying by that period of time delivery of the first sixty cars, which had been scheduled to arrive in the fall of 1971 to start operations on the 45 mile Southern Alameda-North Oakland line.

Financial Crises

Financial problems also plagued BART's staff during the construction period. One such problem arose as a consequence of a decision to leave the matter of cost control to the three joint venture engineering firms responsible for designing and supervising construction of the system. This unusual approach was apparently intended to help hold administrative expenditures down

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during the construction phase, but the result was much different. For a time construction appeared to be going smoothly and according to schedule, but by the summer of 1965 it was acknowledged that costs were beginning to exceed the planning estimates by a substantial margin. The resulting deficit threatened to force a drastic revision of BART's financing. At this point cost control was shifted from the joint venture engineers to the BART staff — to the consternation of some of the project consultants who feared an overemphasis on economizing at the expense of aesthetics and sound engineering, but to the relief of state legislators and others who had become increasingly disturbed by reports of a funding crisis.

Black Christmas

Then, in December 1965, came what the BART staff remembers as its "Black Christmas." When bids were opened on a contract to construct 1.5 miles of subway and two underground stations in the heart of downtown Oakland, it was found that only two bids had been received and that the lowest exceeded the engineers' cost estimates by $35 million. Bids on the transbay tube were opened a week later and it was discovered that the low bid for that project was nearly $30 million over the engineers' estimate. These were the first major subway and underwater projects west of the Mississippi, and it had been hoped that a number of major national and international contractors would bid on it. Many of these firms, however, were heavily involved in construction in Vietnam and did not need the additional work. After considerable debate, the BART board agreed to accept the transbay tube bid but threw out the two subway bids and gave the joint venture engineers six months to reengineer that segment. When this was done, the contract was put out to bid in five separate pieces, and BART was finally able to award contracts for the Oakland section which were $20 million rather than $35 milion over the original estimates. Although the immediate problem was resolved, the secret was out — BART had begun to run into very serious financial problems. Almost immediately there was heavy criticism from the press and legislators in Sacramento, and a heated exchange of accusations between the joint venture engineering firms and BART's directors.

SOURCES OF FUNDS FOR BART CONSTRUCTION

Amount	Source
$792,000,000	General obligation bonds approved in 1962 by residents of San Francisco, Alameda and Contra Costa Counties, to be repaid by a property tax rate of up to $.60 per $100 of assessed valuation through 1999.
$180,000,000	Bay Bridge tolls earmarked for construction of the transbay tube.
$150,000,000	A special one-half cent sales tax for Alameda, San Francisco and Contra Costa Counties which began in 1969 and continues until the $150 million has been raised.
$ 88,000,000	Interest earnings on construction funds pending actual expenditure.
$159,267,187	Department of Transportation matching grants and other miscellaneous grants.

The Legislature soon became involved because it was at the time considering legislation to raise the contributions of Bay Bridge toll revenue for construction of the transbay tube. According to a report prepared by the Legislative Analyst for San Francisco Senator J. Eugene McAteer, the original estimate of construction costs which served as the basis for the district's 1962 bond issue failed to make sufficient allowance for inflation. Instead of the three percent figure which the planners had used, construction costs were going up by an average of 6 percent per year. Nor had the estimates made sufficient allowance for delays in construction such as that which resulted from the taxpayers' suit in 1963 and the time lost in settling disputes with local governments all along the route. In addition, system improvements to accomodate changing public demands and improved technology, together with the additional engineering costs associated with making those improvements and modifications, had raised expenditures very substantially. By early 1966 it was apparent that all of these factors were likely to increase the costs of construction by as much as $182 million over the earlier estimates, creating a funding deficit of approximately $150 million.

In 1967 a number of different proposals were presented to the Legislature to rescue BART, but most in one way or another called for a diversion of highway and motor vehicle license funds from their traditional purpose and were strongly opposed by the so-called highway lobby. It was not until 1969 that local government officials, legislative leaders and Governor Reagan agreed that the $150 million deficit could be covered by a half-cent increase in the sales tax in the three BART counties, a solution first suggested a year earlier by the San Francisco Chamber of Commerce.

Operating Costs

BART's financial problems won't end with the completion of construction, however. BART officials acknowledge that the system is likely to run at a loss for "the first couple of years" under the fare schedule which the district adopted last December. Under this schedule, interstation fares are determined according to a fairly complicated formula which averages out to a "30 + 3" schedule — that is, a basic fare of $.30 for the first five miles, plus $.03 per mile beyond the minimum distance. This means that BART's trains will cost more to ride than other existing modes of transportation, other than private automobiles, but even at this rate it is estimated that BART will run up a deficit of $3.4 million by 1975-76. In the absence of some new form of federal subsidy, fares will have to be pushed even higher to eliminate the possibility of such a deficit. BART officials acknowledge that the proposed fares even now are higher than existing transit fares, but argue that they are still well below the cost of commuting by automobile. BART's competitive edge over the automobile is so large, they claim, that even if motorists calculate only their direct costs for gas, oil, tolls and the like, excluding depreciation and insurance, BART will still be significantly cheaper.

BART officials have planned an aggressive sales campaign which they hope will help to build passenger use rapidly when the first cars start running. In addition to the usual newspaper and magazine advertising, BART operates a speakers bureau for clubs and com-

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munity groups and has prepared a "real estate kit" which is supposed to help sell the advantages of working and living near a BART station. This sort of advertising, however, is not likely to be well-received by those who fear that BART may in fact create a building boom in San Francisco. They are particularly concerned that there will be growing pressure to build more and more tall office buildings if BART proves even partly effective.

Those who have long supported the development of BART appear to agree. "It's not a question of whether it's desirable," says Adrian Falk, former chairman of the BART board of directors. "It's the only practical way . . . the finance and banking industries want to be centralized." Of those who fear that BART will help make the city into another Manhattan, Rodger Lapham, president of a San Francisco insurance firm, says, "Let them go someplace else, but don't keep complaining about it, because that's what's going to happen and nobody can stop it."

More Congestion?

Whatever such growth will do to change the skyline of San Francisco, it is certain to add to the problems of congestion in the Bay Area which BART, as now laid out, can relieve only in part and for only a short time. Despite the size of the BART system as an engineering and construction feat, it is only a very small part of the total Bay Area transportation network and may very well remain so. There is no master plan for its extension, only a common assumption that in time it will be extended and considerable disagreement as to where extension should begin.

Moreover, there is nothing resembling a total transportation master plan for the region. A 1970 BART report on regional transit planning noted that despite "a flurry of studies" between 1960 and 1970, "measured on the basis of plans implemented, it would appear that Bay Area transit development planning has progressed very little in the last 10 years." The latest attempt to remedy this situation was the establishment in 1971 of a Metropolitan Transportation Commission which has been directed by the Legislature to report back by June 1973 as to what is necessary to develop and implement a Bay Area transportation plan. This action was sufficient, apparently, to have the Bay Area certified by the federal Department of Housing and Urban Development as an area in which regional transportation planning is in effect. This means that all public transportation agencies in the area are eligible under the Urban Mass Transportation Act for two-thirds matching funds from the Department of Transportation (as compared with 50 percent matching where such planning is not deemed to be in effect). Transit experts are agreed, however, that such studies will have little impact unless a way can be found to create a regional transportation planning agency which has the authority to implement a plan.

Thus while it is evident that BART is in many respects a triumph of engineering and, to a lesser extent, administration, its ultimate impact on the Bay Area's transportation network, and upon the related problems of congestion and air pollution remain uncertain. Those who are interested in the development of rapid transit elsewhere in the state have been watching BART closely for many years, but it is likely that they will have to wait for some years more before they obtain definite answers as to the impact of mass rapid transit.

PROPOSITIONS *(Continued from page 80)*

oil spills. The Legislative Analyst has estimated, nevertheless, that the state may lose some $770 million in offshore lease revenues from this provision over the next 30 years, and $5 million a year from prohibited onshore operations.

• *Nuclear power.* Section 16 imposes a five-year moratorium on the construction of nuclear power plants to provide time to devise ways to reduce the hazards of their operation and of their waste disposal. There are now two nuclear power plants in operation in this state, two under construction and two being planned. It is not clear whether the moratorium on construction would apply to the two plants now under construction. Opponents argue that a halt in construction of nuclear power plants will result in construction of fossil fuel plants which are recognized to be major sources of air pollution.

• *Pesticides.* Section 18 prohibits the manufacture, sale, possession, or use of several pesticides, including DDT, DDD and chlordane, except under permit from the Director of the State Department of Agriculture issued upon authorization by a four-fifths vote of the Senate and Assembly. The Director of Agriculture is now required under law to adopt regulations governing the use of pesticides which he believes should be placed in a "restricted" category because of their danger to workers, animals or the general public.

State Resources Secretary Norman B. Livermore Jr., says he agrees with the goal of controlling pollution, but finds the provisions of the initiative "ill-conceived, poorly assembled and self-defeating if their goal is in fact to control pollution in this state." Supporters acknowledge that several of the provisions are unclear as to their impact and will have to be reviewed by the courts, but say that they trust the courts to rule according to the intent of the initiative. To date, none of the state's major environmental organizations have expressed support for Proposition 9.

Constitution Revision. The last statewide proposition on the June ballot is intended to eliminate "obsolete and unnecessary" wording in the Constitution regarding corporations and to delete Article XXII, which deals primarily with the potential conflict between constitutional amendments adopted at different times. The measure, which incorporates recommendations of the California Constitutional Revision Commission, is described by its supporters as a nonpartisan "housekeeping" action which will make no change in state law or policy.

Southern Crossing Bridge. Proposition A, which is to be submitted to the voters of six San Francisco Bay Area counties, authorizes the construction of a new bridge across the southern end of San Francisco Bay. The proposed Southern Crossing bridge has been the subject of considerable controversy in Sacramento and the Bay Area for several years. Last year, following a decision by the State Toll Bridge Authority that construction should proceed, a bill, AB 151 (Crown), was passed prohibiting construction without the express approval of the Legislature, but the governor vetoed the bill, and both sides agreed to put the matter before the voters this year. Proponents of the bridge argue that it will relieve congestion on the Bay Bridge. Opponents say it will only add to the problems of congestion and smog in San Francisco by encouraging greater use of private automobiles.

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Strong Backing Develops for Some Form of No-Fault Automobile Insurance

It's always dangerous to predict what the California Legislature will do with any particular issue, but there are indications that 1972 will be the year for no-fault automobile insurance. Even before there have been hearings on any of the five major bills which provide for some form of no-fault insurance, it is evident that there is broad support for the concept in the administration and the Legislature and that nearly all of the former opponents have swung around to recognize the need for legislative action this year.

No-fault automobile insurance refers to compulsory insurance which pays a policy holder who is a victim of an accident regardless of whether or not he or she was at fault in any way. In its "purest" form, as, for example, in the American Insurance Association's model plan, a victim of an automobile accident will collect from his or her own insurance company all costs related to income loss, injury and property damage without consideration as to which driver may have caused the accident. The only ceilings on awards are $750 per month for lost income and $1,000 for funeral expenses, but the right to sue is limited to injuries involving permanent disfigurement, injury to or loss of a body member, or death. Also important is the provision that premiums will not be raised for those who claim benefits under the plan.

"Pure" Form

The two 1972 bills which come closest to the AIA model are Senator Anthony Beilenson's SB 354 and Assemblyman Leroy Greene's AB 68. All of the other bills incorporate significant modifications of the "pure" plan. Among the common modifications are the exclusion of property damage; a dollar limit on first party benefits, with the right to sue for amounts above the limit; some determination of fault; and provisions for insurance companies to reimburse one another when their policy holders are found to have been at fault. In addition, where there is a finding of fault, there is no prohibition against raising premiums accordingly.

At present, in California and most other states, bodily injury awards and property damages are dealt with under the tort liability system. That is, the driver who is determined to be at fault in an accident, or his insurance company, must pay for damage inflicted on others. For the "innocent" party, this means getting the other driver's insurance company to admit that its client is guilty. Often this means hiring a lawyer and perhaps going to court. The defects in this system are known to those who have had serious automobile accidents and have been documented in many studies. Insurance premiums have risen steadily, the courts are jammed with accident cases, damage awards often appear unrelated to the loss sustained, and occasionally the victims fail to get anything. No-fault insurance will reduce the lengthy delays and high administrative costs associated with tort liability proceedings and give policy holders much greater assurance that their claims will be paid promptly.

High Rates, Congested Courts

Nationally insurance rates have risen 65 percent in the last ten years, yet accident victims often fail to receive fair payment. According to a federal Department of Transportation study, on the average only about half of total loss due to serious injuries or fatalities is recovered, but when the loss is less than $500 the average recovery is over twice the amount of the loss. In addition, the length of time from the accident to final settlement of a tort claim averages 16 months. Figures presented at a U.S. Senate hearing by Senator Philip A. Hart, a leading advocate of no-fault insurance, show that only 42 percent of all premiums paid for personal injury liability insurance in 1969 went to claimants, while 16 percent went to attorneys' fees, 14 percent to claim adjusting expenses, 26 percent to other insurance company costs, and 2 percent to court costs.

Proponents of no-fault insurance also point out that much of the present problem of congested court calendars is caused by automobile accident cases. A Federal Judicial Center study has shown that automobile accident litigation on the average takes up 11 percent of a judge's time in the federal district courts and 17 percent in state courts of general jurisdiction. In the Los Angeles Superior Court personal injury accident cases, most of which involved automobiles, amounted to 86 percent of the total civil court backlog in 1970 and the average delay between the filing and trial of civil actions is more than three years.

At present, medical costs, collision expenses and comprehensive physical damage are all covered on a no-fault basis for policyholders. Extension of this principle to the personal injury and property damage components of each driver's policy has been discussed for many years at the state and national level, but it is only recently, with the backing of consumer groups and some insurance companies, that there has been a concerted effort to gain the necessary legislation. Massachusetts led the way in January 1971 by adopting a no-fault system for personal injury costs, followed by Delaware, Florida and Illinois, and now similar legislation is pending in at least 28 other states.

Although some insurance companies have supported no-fault legislation at the state level, most notably the 100 members of the AIA who write about one-third of all automobile policies, a large portion of the industry remains opposed. Those companies which favor no-fault see it as a means of slowing the steady rise in

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	AB 125 (Fenton)	SB 40 (Song)	SB 354 (Beilenson)	SB 384 (Moscone)	AB 68 (Greene)
TITLE	Motor Vehicle Basic Loss Insurance Act	Motor Vehicle Reparation Act	Automobile "No-Fault" Insurance Act of 1972 (provisions from 71's SB 515)	Calif. Motor Vehicle Accident Reparations Law	Motor Vehicle Basic & Added Reparation Insurance
INSURANCE REQUIREMENT	Compulsory to operate vehicle in state	Mandatory if consumer buys a policy delivered in California	Mandatory if consumer buys a policy delivered in California	Compulsory to operate a vehicle in California	Mandatory if consumer buys a policy delivered in California
MEDICAL BENEFITS	Unlimited reasonable charges for actual expenses up to maximum benefits	Unlimited reasonable charges for actual expenses up to maximum benefits	Unlimited reasonable charges for actual expenses	Unlimited reasonable charges for actual expenses up to maximum benefits	Unlimited reasonable charges for actual expenses
WAGE LOSS BENEFITS	85% or $750 per month maximum	$150 a week for 52 weeks	Income lost up to $750 a month	After one week from the accident 80% of income or $125 a week, for 52 weeks	Income lost up to $750 a month
SERVICE LOSS BENEFITS (Housewives, students)	Expenses for necessary services not performed	$15 a day for 52 weeks	Expenses reasonably incurred for household help	Expenses reasonably incurred for household help for 52 weeks	Expenses reasonably incurred for necessary services
SURVIVOR BENEFITS	Same as income & services up to maximum benefits	Same as income & services for 52 weeks	Same as income & services up to normal life expectancy of deceased	Same as income & services for 52 weeks	Same as income & services up to normal life expectancy of deceased.
MAXIMUM LIMITATION ON BENEFITS	$10,000	$5,000	No limit, with payment schedule set up for catastrophic physical injuries	100% of the first $2,000, 80% of the additional amount up to $50,000	No limit, with a payment schedule set up for catastrophic physical injuries
PROPERTY DAMAGE	No charge	No charge	Optional no-fault available	No charge	Optional no-fault available
RIGHT TO SUE IN TORT	Tangible economic loss not covered earlier. Pain & suffering if medical expenses are higher than $1000 or if catastrophic injury occurs	Tangible economic loss not covered earlier. Pain & suffering if medical expenses are higher than $1000 or if catastrophic injury occurs	No right to sue, except own insurance company for a higher payment schedule. Nothing for pain & suffering unless additional insurance is purchased	Tangible economic loss or diminution of earning power due to pain & suffering. Also suit for catastrophic injury	Same as SB 354

premiums which has stirred increasing consumer discontent. All segments of the industry, however, are united in opposing any legislation at the federal level which might set a precedent for further federal controls.

There has also been considerable opposition to no-fault insurance at the national level from the American Bar Association and the American Trial Lawyers Association. Both organizations continue to favor the tort liability system on the ground that those who cause accidents should have to pay for them. "We don't want to change anything", an ABA spokesman has said. "We want to do the same thing faster and better." In line with this position, the two groups have proposed such actions as a reduction in jury size, greater use of settlement conferences, greater reliance upon arbitration, and experimentation with an alternative to no-fault called "comparative negligence." It is impossible, however, to ignore the economic stake that the members of these two organizations have in the existing system. Attorneys receive from one-third to one-half the amount of the payments their clients recover from the insurance companies, and personal injury automobile accident cases account for one-fourth of total income reported by attorneys.

Last year the California Bar Association and the California Trial Lawyers Association were instrumental in blocking adoption of a no-fault bill, AB 1505 (Fenton), in the Senate Judiciary Committee, but they have since reversed their positions. Both organizations now support legislation which includes some form of no-fault. SB 384 (Moscone) is the state bar approved bill, and SB 1050 (Zenovich) is backed by the trial lawyers' association.

No-fault legislation is also being carried by Senate Judiciary Chairman Alfred Song, whose SB 40 was drawn up with the aid of a specially appointed Citizens' Advisory Committee. Assemblyman Jack Fenton has reintroduced as AB 125 the bill which was defeated in the Senate last year after he had moved it through the Assembly.

Consumer Question

The newly formed Consumer Federation of California is studying the various no-fault bills which have been introduced at this session, but so far has not committed itself to any one version. Unlike many consumer groups, the CFC has expressed some doubts about whether no-fault will actually reduce costs for policyholders, but in this concern CFC is not alone. Governor Reagan and all of the authors of this year's bills have expressed their desire to achieve a reform which will lead to savings for the consumer, not only in time and worry but also in premium costs.

At the national and state level, however, consumer lobbies and insurance companies have joined in pointing out the need to keep the no-fault debate within perspective. Up to two-thirds of the cost of a typical insurance package on a relatively new car goes for medical payments, collision, and comprehensive coverage, they point out, so that any change in the cost of personal injury coverage alone or personal injury and property damage coverage together, as a result of no-fault legislation, will have only a very limited effect on premium charges. They argue that the continued manufacture and purchase of "cosmetic cars" which are difficult to handle and easily damaged and which offer little protection to occupants remain the principal obstacles to lower insurance costs.

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Selective Admissions Policies May Become a Major Focus For Higher Education Master Plan Restudies

When the 1960 Master Plan for Higher Education was being drawn up by a panel of the state's leading educators, one of their central concerns was how the state's public and private institutions of higher education were to cope with the huge wave of students then moving up through the public schools. As the late Arthur G. Coons, President of Occidental College and chairman of the Master Plan Survey Team, later put it, "The numbers game was out in front. It was the problem of what to do about the projected increase in college age population over the period of 1975 and beyond . . ." The solution to this problem which was written into the Master Plan report (but not into law) was a system of "differential access" — a quota system — according to which the junior colleges accept any student who has graduated from high school, and anyone 18 or older who is "capable of benefiting" from higher education; the state colleges accept only those students who rank among the top one-third of all high-school graduates; and the University of California accepts only students among the top one-eighth of all high school graduates.

It was no coincidence that these were approximately the same quotas as were then in effect among the three public segments, for the whole point of a selective admission system such as California has employed for many years is to protect the status and prestige of those institutions which are permitted to be selective while providing some place for the student of average ability (as conventionally measured) or less to enroll. It roughly matches what Alexander W. Astin, director of the American Council on Education's Office of Research calls the "elitist plan" of higher education. Under this plan educational resources are concentrated on the students determined to be the ablest and brightest while there is relatively little concern for improving the performance of those students who are placed at the lower end of the ability spectrum.

Master Plan Studies

Nor is it surprising that the matter of admission policies and standards should be a major concern of the Legislature's Joint Committee on the Master Plan and the Coordinating Council's Select Committee on the Master Plan (see *California Journal*, February 1972, page 46). In April and again in May, the Joint Committee on the Master Plan will hold hearings on the whole matter of admissions and access to higher education. One of the principal questions under consideration, according to committee consultant Pat Callan, will be whether present admission policies place those on the bottom end of the economic scale at an unfair disadvantage. It is hoped that the committee will hear from a number of national experts in this area as well as from representatives of California's institutions.

The CCHE's Select Committee on Higher Education has also been investigating the crucial questions of admission and access, but largely in terms of the manner in which the Master Plan recommendations have been carried out. The committee has contracted, however, for a study which will test various alternatives to the present admission system through the use of simulated student enrollment patterns and admissions policies. This study is also expected to shed some light on the impact of the differing criteria the University and state colleges have used to determine which students are in the top eighth and the top third categories, a question which has engaged the committee's interest.

The admission standards which are currently employed by the University and the state colleges are still based upon the ratios recommended in the 1960 Master Plan. These standards, according to the Coordinating Council for Higher Education, "place them among the most selective in high school records among the public institutions in the United States, with the University being the most selective nationally." Both segments stress this selectivity and both now use test scores and grade point averages to determine eligibility for freshman admissions.

"To defend selective admissions on the grounds that aptitude tests and high school grades predict performance is perhaps to miss the main point of education. Even if students learned absolutely nothing as a result of their courses in college, these tests would have the same predictive 'validity'.

"Perhaps the strongest argument in favor of a program of open admissions is that selective admissions is one sure way for colleges to avoid any responsibility for educating the student. If only the brightest students are admitted at one end, then the high quality of the final product at the other end is virtually guaranteed."

Alexander W. Astin
American Council on Education

Two Principles

According to the University's Undergraduate Admissions Circular, the University's admission requirements are based on two principles: "First, that the best predictor of success in the University is high scholarship in previous work, and, secondly, that the study of certain subjects in high school gives a student good preparation for University work and reasonable free-

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dom in choosing an area for specialized study." The state colleges follow much the same principle except that they consider test scores and high school grade point averages for all courses, rather than for selected courses, as the University does. In both cases a student's eligibility for admission as a freshman depends heavily upon his or her record of scholastic achievement in high school.

One consequence of these policies, according to a CCHE report, is that "the current criteria for selecting students for California public higher education tends to produce student bodies which are not fully representative of all socio-economic classes nor all students with the potential capacity to succeed in college." The only exceptions to their standards of selection which the two segments allow are the "admission by special procedure" quotas, which in each case permit the limited admission of students who do not otherwise qualify, up to the equivalent of four percent of the total number of students admitted. Only half of these special admissions openings are reserved for students from ethnic minorities or low income families, however, and this special category was not added to the two segments basic admissions policies until 1968 when the growth of Educational Opportunity Programs put pressure on the institutions to admit a larger number of students not eligible for admission by conventional standards.

ADMISSIONS REQUIREMENTS OF THE UNIVERSITY OF CALIFORNIA AND THE CALIFORNIA STATE COLLEGES

University of California

Subject requirements:

History	1 year
English	3 years
Mathematics	2 years
Laboratory science	1 year
Foreign language	2 years
Advanced course in language math or science	1-2 years

Scholarship requirement:

"C" or better in all courses
Overall "B" average (3.0)

Examination requirement

Scholastic Aptitude Test
Three achievement tests
English composition
Social science or foreign language
Mathematics or Science

Those with high school grade point averages of 3.00-3.09 must earn a total score of 2,500 or higher. Admission by examination alone required a score of 2,750 or higher

California State University and Colleges

An applicant who is a graduate of a California high school must have a grade point average and composite score on the American College Test or total score on the Scholastic Aptitude Test which produces an eligibility index placing him or her among the upper one-third of such graduates.

Examples of the Eligibility Index

Grade Point Average	ACT	SAT
3.21 and above	any score	any score
3.20	any score	512
2.20	31	1312
2.00	35	1472
1.99 and below	ineligible	ineligible

More recently, there have been suggestions that the percentage of exceptions be increased so as to extend opportunity for enrollment in the University or a state college to a large number of students who are otherwise barred from entrance. In 1969 a staff report of the Legislature's Joint Committee on Higher Education recommended that the percentage for exceptions to the regular University and state college admission standards be increased to 10 percent. More recently UC President Charles J. Hitch has also suggested that the University admit 10 percent of its students as exceptions. However, there has been no action on either of these proposals — it is more difficult to argue convincingly for a change in arbitrary quotas than for their retention.

Open Admission

Interestingly, the debate on "open admissions" — the admission of all high school graduates to a four-year institution — which has received so much attention in other states in the last few years has largely bypassed California. University and state college admission policies have seldom been questioned, despite the fact that a number of recent studies across the country have accumulated an increasingly persuasive body of evidence to challenge the basic concepts behind selective admission to public institutions of higher education. According to this evidence, attendance at a highly selective college or university benefits neither the brightest student nor students elsewhere along the ability spectrum.

Nevertheless, there appears to be little discontent among students, faculty and administrators over the present system of selectivity. In large part this may be because the community colleges have been able to accommodate all the students which have come to them and in many cases to provide a relatively high quality instructional program. Moreover, as evidenced in recent testimony before the Joint Committee on the Master Plan, even those students and faculty who are sensitive to the problems of "elitism" are thoroughly imbued with the belief that nothing must be done which would threaten the "standards" of their institutions. Faculty members, it has been pointed out elsewhere, support selective admissions because they believe brighter students to be easier and more enjoyable to teach. Students, alumni, administrators, faculty, and legislators favor selective admissions because the prestige of an institution clearly reflects the "quality" of its students.

There is reason to believe, however, that there is little or no educational justification for selective admissions. Recent data indicate that the segregation of students according to conventional measures of ability helps neither the bright nor the dull students. There is also evidence that in most circumstances students with poor grades often make as much or more progress, in terms of what they learn, as students with high averages. On the other hand, conversion of an institution to an open admission policy imposes new responsibilities on the institution to develop educational programs which are geared to students at all points on the ability spectrum, and especially to students on the lower end. Why, then, continue to segregate students by ability level, and why continue a system which almost guarantees that the best students will get a disproportionate share of the available resources?

These are the kinds of questions the two Master Plan committees will have to deal with as they examine the problems of access to higher education, admissions goals and the allocation of resources. Now that the wave of students which the earlier Master Plan Survey Team foresaw has come and gone and the problem of numbers is no longer "out in front", it may be possible to give these matters the depth of consideration they did not receive in 1959-60.

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California Journal/*NEWSBRIEFS*

Community Work Experience for Welfare Recipients

Early this month, Elliot Richardson, Secretary of the Department of Health, Education and Welfare, approved Governor Reagan's proposal to require 30,000 welfare recipients to work up to 80 hours a month without additional compensation. Reagan calls his work experience plan "one of the most innovative and far-reaching elements of our welfare reform program."

Under the HEW agreement, 30,000 able-bodied and unemployed recipients of Aid to Families with Dependent Children will be given community work assignments "limited to meeting only those genuine community needs which otherswise would go unmet for lack of funds and manpower." Potential assignments include school-yard monitoring and river and stream maintenance. The program will operate, initially, in 35 California counties and will begin April 1st.

Judicial Council Completes Court Reorganization Plan

The California Judicial Council has completed its 18-month review of California's trial court system. The council says it will recommend to the state Legislature that a constitutional amendment be placed on the November general election ballot to create a county court system unifying the municipal and justice courts. The council proposes to reorganize the existing 308 municipal and justice court districts into about 66 county-based lower courts. Such a merger, the council says, will produce substantially greater flexibility and effectiveness in the assignment of judicial and staff manpower. Under the proposal, the present superior courts will be maintained.

A key feature of the Judicial Council's proposal is its recommendation that a regional structure for court administration be established to serve both the county and superior courts. Under this centralized system, the Chief Justice of California will appoint Area Administration Judges to represent him within regional administrative areas which will be formed by grouping together various counties. The Judicial Council recommends that not more than five such administrative areas be set up, with Los Angeles County constituting a separate administrative area.

Year-Round Schools by 1977?

Wilson Riles, the State Superintendant of Public Instruction, predicted this month that most California students will be attending year-round schools "within five years." Only an "insignificant" amount of state aid is necessary, he said, to allow selected school districts to develop year-round models to test the feasibility of the plan, and to finance the eventual changeover. Explaining why he favors year-round schools, Riles said in a news conference at the Capitol that year-round operation could enable schools to accommodate up to 25 per cent more students, thus lowering new building construction costs. "No business could operate by leaving its plant idle three months of the year," he added. "With crowded classrooms, with the Field Act (earthquake safety) requirements and failing tax overrides, we must find new ways to use our staff and facilities."

Pointing to the apparent success and popularity with students and teachers of several experiments now being conducted, Riles said "I think sooner or later we'll have year-round schools in most districts in California." He added, however, that he has no plans to mandate year-round schools for everyone. "You can kill the whole idea if you move too rapidly," he said.

The Legislature has already shown interest in the possibility of operating schools year-round, encouraged by speculation that year-round operation could save millions in taxpayer dollars. Last year the Legislature approved AB 1924 (Greene) which authorized school districts, on an experimental basis, to establish year-round 45-day terms with 15-day breaks. This year two bills have been introduced — AB 185 (McAlister) and SB 207 (Alquist) — which allow school districts greater flexibility in scheduling their year-round programs.

Moscone Introduces "Consumers' Health Protection Act"

Following closely upon the announcement of Governor Reagan's catastrophic illness plan (see *California Journal*, p. 68, February 1972), Senate Majority Leader George Moscone has introduced a $7.5 billion state health insurance program to provide compulsory comprehensive health care, financed through a graduated system of payroll withholding based on the employees' income. Employer and employees will both contribute, on approximately a 3-1 ratio.

"Total participation by 20 million Californians will spread the financial risk of illness, including catastrophic illness," said Moscone in introducing his plan. "Virtually every Californian would benefit from expanded coverage including many services often excluded, such as dental work, eye glasses, annual check-ups, and fully paid hospital plans."

The Senator estimated that, of the $7.5 billion total cost, $1.05 billion will be contributed by employees, $3.15 billion by employers, $400 million by the self-employed. The remaining $2.9 billion is the amount which federal, state and local government agencies now spend for health care in California. Moscone proposes that his program be administered by a newly-created state Health Department and that policy be set by a nine-member state Health Commission appointed by the Governor and confirmed by the Senate.

Although Moscone said he was "a great optimist" about the chances for passage of his plan, he admitted, "I don't expect the Governor to quickly endorse this plan and I certainly don't expect those insurance companies now making fat profits in this field to come to its aid."

Tuition: "False Economy" or "Good Taxing Policy"?

Two bills recently introduced in the Legislature have renewed the controversy surrounding tuition for higher education in California. Assemblyman Dixon Arnett is the author of a bill, AB 522, calling for an unspecified amount of state college tuition which will be used for scholarships and financial aid. Among the supporters of tuition at the state colleges are the State University and Colleges Board of Trustees, state college Chancellor Glenn

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Dumke, and Governor Ronald Reagan, who has said that tuition "meets one of the fundamental principles of good taxing policy," that those who benefit from a service should pay for it.

Opponents of tuition say, however, that the state also benefits from higher education and thus should bear the financial burden. Assemblyman Ken Meade has introduced a constitutional amendment which forbids charging California citizens tuition at community colleges, state colleges, and the University of California. "The greatest resource the state has is the education in the heads of its citizens," Meade explained. "It is false economy to have tuition charges so high as to prevent our citizens from continuing their education as far as their abilities will carry them."

Presently, students at the University of California pay $100 a quarter in "educational fees" plus incidental fees, while students at the state and community colleges pay only incidental fees. Governor Reagan describes this situation as "out of balance" and unfair. And UC President Charles Hitch says that tuition fees at the University are forcing many students who would prefer to attend UC to enroll in state colleges instead.

"Two wrongs don't make a right," counters Assembly Speaker Bob Moretti, who opposes tuition at both the University and the state colleges. Moretti told a meeting of the California state colleges Academic Senate that tuition will not be imposed on state college students "as long as I am Speaker of the House."

Commission on Aging: Famine to Feast

On March 14th Governor Reagan announced that the Department of Health, Education and Welfare had approved state funding arrangements for the California Commission on Aging for fiscal years 1971-72 and 1972-73. The commission, for the last three years, has been out of compliance with federal standards under the Older Americans Act (see *California Journal*, December 1971, page 330). In accordance with the HEW agreement, Reagan issued an executive order allocating $45,000 from emergency funds for the Commission on Aging for 1971-72. On its part, HEW approved the commission's use of service center fees ($34,000) as part of its $103,000 budget for 1972-73.

Both the Governor and the commission had been heavily criticized by the Legislature for inaction and failure to fulfill their obligations to the aged. In response to the Governor's announcement, Assembly Speaker Bob Moretti said "Reagan doesn't have much of a program for the elderly, but he must have realized further delays would jeopardize the one minimal organization he does have."

The commission's Executive Director, David Baxter, emphasized that the agreement on compliance triggers an additional $200,000 in federal funds this fiscal year for planning, evaluation, coordination, and administration of commission activities, as well as almost $1 million in project monies. Baxter says his first move, now that his financial worries are over, will be to "develop a good staffing pattern and to lay out a plan to discuss with the commission" so that it may effectively reassume its statutory responsibilities and functions.

Emergency Legislation For New Young Adults

According to State Social Welfare Director Robert Carleson, one of the consequences of last year's age of majority legislation, which granted adult status to 18-20 year olds, was that an estimated 20,000 needy students became ineligible to continue receiving benefits under Aid to Families with Dependent Children. Welfare officials had estimated that if the new young adults, along with approximately 5,000 parents, were dropped from AFDC, the savings would amount to $30 million per year.

When heavy pressure developed in opposition to this action, legislative leaders and the Governor agreed that it was not the intent of the the age of majority law. "It is clear," said the Governor on March 1st, "that the age of majority law, if not amended, would abruptly deprive thousands of families and individuals of education and health benefits they have been receiving." Consequently, he called for emergency legislation to revise the new age of majority law to conform with the 1971 Welfare Reform Act, which specified that 18-20 year old students in the AFDC program making satisfactory progress in school could continue to receive public assistance.

At the same time, the California Community Colleges also sponsored emergency legislation delaying, at least for a year, what they termed " a drastic fiscal impact" on the state's 94 community colleges resulting from the new age of majority law. The community colleges receive less aid for educating adults than for educating minors and were threatened with a $34 million loss in revenue as a result of the 18-year-old adulthood law.

By mid-March, both pieces of emergency legislation, AB 734 (Bagley) and SB 10 (Marler) had been approved by the legislature and were signed into law by the Governor. Reagan thanked the Legislature for acting promptly on the amendments and said in a press release "it is an excellent example of how quickly members of the Legislature can act when they really want to."

Ski Safety Legislation Introduced

Following up an Assembly Rules Committee hearing last month, Assemblyman Charles Warren has introduced six bills to increase the state's role in promoting ski area safety. Warren's bills extend the Division of Industrial Safety's jurisdiction to include the safety of ski lift passengers as well as employees; require summer and winter lift inspections; establish lift attendant and operator qualifications; require reports of all serious injuries; urge the DIS to adopt national standards for lift construction; and create a 12-member Ski Safety Advisory Council. In addition, Warren says he will push for a budget augmentation for the Elevator Section of the Division of Industrial Safety so that it can do a better job of enforcing state safety orders for ski areas.

Warren, who is himself a skier, says he introduced his bills "to make the sport of skiing more enjoyable" not "to harass or surcharge the ski resort operator" or to limit the skier's sport and his freedom from "gratuitous intrusions on the individuality of the sport."

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PEOPLE IN THE NEWS

APPOINTED

Frank P. Adams, Robert F. Beaver, Roy T. Brophy and **Jeanette S. Ritchie** to the Board of Trustees of the California State University and Colleges, by Governor Reagan.

Peter F. Schabarum, 43, Assemblyman from the 49th District, to fill the unexpired term of the late Frank G. Bonelli on the Los Angeles County Board of Supervisors, by Governor Reagan.

Robert D. Nesen, 54, an automobile dealer, as a member of the State Board of Education, by Governor Reagan.

David A. Hubbard, 43, President and Professor of the Old Testament at the Fuller Theological Seminary in Pasadena, as a member of the State Board of Education, by Governor Reagan.

Gordon Cologne, 47, Senator from the 36th district, as Associate Justice of the Fourth Appellate District Court of Appeal, Division One, by Acting Governor Ed Reinecke.

Paul Beck, 39, press secretary to Governor Reagan for more than five years, as Special Assistant to the Governor, for coordination of the governor's public appearances, by Governor Reagan.

Edwin Gray, 36, associate press secretary to Governor Reagan, as Press Secretary to Governor Reagan,

Rico J. Nannini, 48, an employee of the Secretary of State's office for 25 years, as Assistant Secretary of State, by Secretary of State Edmund G. Brown Jr. Nannini, filling a position vacated by H. P. Sullivan, will take direct charge of the elections division and will also supervise the office's other sections.

Marion Drinker, 40, assistant to the director of Project IDEA, to the State Board of Education, filling the unexpired term of Henry Gunderson, by Governor Reagan.

RESIGNED

Henry T. Gunderson, 63, as a member of the State Board of Education. Gunderson has served on the Board since 1968.

Virginia Allee, as chief of the Division of Industrial Welfare in the Department of Industrial Relations. Allee resigned in order to accept a position in the U.S. Dept. of Labor.

William F. McColl, 42, as a trustee of the California State University and Colleges. He is seeking the GOP nomination for the 20th congressional district.

Bernard L. Hyink, 58, as president of Sacramento State College. He is accepting a position as a political science professor at California State College at Fullerton, where he taught before going to Sacramento.

RETIRED

Carma Leigh, 67, as State Librarian, effective July 1st. During her more than 20 years of service, she has worked consistently to improve library service at both the state and local level. It was largely through her efforts that the California Library Network Master Plan was completed.

DIED

Jerry W. Fielder, 56, director of the State Department of Agriculture since 1969, in a light airplane crash on March 22nd.

CALIFORNIA CALENDAR

Meetings of the following state boards and commissions are listed each month; if one of these boards is not listed, it can be assumed that it is not scheduled to meet this month. Boards and commissions to be included are: Board of Corrections; Trustees of the California State University and Colleges; California Community Colleges Board of Governors; California Council on Criminal Justice; Coordinating Council for Higher Education; Board of Education; Highway Commission; Little Hoover Commission; Commission of Housing and Community Development; Park and Recreation Commission; University of California Board of Regents; and Social Welfare Board.

April 4 — **Coordinating Council for Higher Education.** Host Hotel, Sacramento Metropolitan Airport. 9 a.m.

April 13 — **Last day to register for the June Primary Election.**

Little Hoover Commission Subcommittee on Highway Right of Way. Meeting with a subcommittee of the Highway Commission. State Office Building, Room 1122, 107 S. Broadway, Los Angeles. 10 a.m.

April 13-14 — **State Board of Education.** Resources Building, 1416 Ninth Street, Sacramento. 9 a.m.

April 13-15 — **Law Revision Commission.** State Bar Building, 601 McAllister Street, San Francisco. 4/13 — 7 p.m.; 4/14 & 4/15 — 9 a.m.

April 18-19 — **Highway Commission.** Public Works Building, 1120 N Street, Sacramento. 10 a.m.

April 19 — **Commission of Housing & Community Development.** 1121 O Street, Sacramento. 1:30 p.m.

California Community Colleges Board of of Governors. Airport Marina Hotel, Los Angeles. 9 a.m.

April 26 — **Little Hoover Commission.** State Capitol, Room 6017. 10 a.m.

April 27-28 — **Social Welfare Board.** Yuba County Court House, Marysville. 4/27 — 7:30 p.m.; 4/28 — 9 a.m.

April 28 — **California Council on Criminal Justice.** Sheraton Inn, Harbor Island, San Diego. 9 a.m.

May 5 — **Park & Recreation Commission.** Kern County Civic Center, Truxton & Chester Streets, Bakersfield. 9 a.m.

May 9 — **Special Primary Elections.** 36th Senate District and 49th Assembly District.

The following boards and commissions follow a standard monthly schedule and thus are not included in the Calendar: Board of Agriculture, first Thursday of each month; Allocation Board, second Tuesday; San Francisco Bay Conservation and Development Commission, first and third Thursdays; Merit Award Board, second Wednesday; Public Works Board, last Monday; Reclamation Board, second and fourth Fridays; Soil Conservation Commission, fourth Tuesday; State Lands Commission, last Thursday; Transportation Board, first Thursday; California Water Commission, first Friday; and Water Resources Control Board, first and third Thursdays. Please contact the agency for meeting time and place.

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LETTER FROM WASHINGTON
By Lou Cannon

March 25, 1972

John Tunney, though the junior member of the Senate Judiciary Committee, has been the most effective senator in the sometimes pertinent, sometimes irrelevant inquiry into the purported relationship between the International Telephone and Telegraph Co. anti-trust settlement and a $400,000 pledge to the Republican national convention. The committee has not proved any direct relationship between the settlement and the pledge, but Tunney has used the hearings as a springboard both for personal recogonition and for a proposed anti-trust reform that has even won the endorsement of former Attorney General John Mitchell. If Tunney has his way, the Justice Department will be required in every anti-trust settlement to deliver "a reasoned opinion . . . articulating why the settlement is adequate, in the public interest and achieves the original purpose of the complaint." Mitchell says he agrees. Of all the witnesses to come before the committee Mitchell proved perhaps the most adept at answering senatorial questions. But he ducked a question during a pause in the hearings from a reporter who asked him if he agreed with Martha Mitchell's characterization of the proceedings as a "three ring circus." Replied Mitchell, who has evidently learned the hard way: "I never interfere with my wife's exercise of her first amendment rights."

* * *

White House strategists don't like maverick Republican congressman Pete McCloskey any better than they did when he was challenging President Nixon in New Hampshire, but they're not eager to help McCloskey's homestate congressional challengers defeat him in the GOP primary. Their attitude is less a matter of forgiveness than a reflection of their realization that McCloskey is still entered in two primaries (North Carolina and New Mexico) where delegates are chosen by proportional representation. Nixon campaigners reason that if McCloskey picks off a delegate or two and somehow gets himself nominated he'll be an anti-Nixon focus for the television cameras at a Republican convention that promises to be something less than suspenseful. The theory, for what it's worth, is that a McCloskey renominated will be more restrained and loyalist than a McCloskey rejected.

* * *

Representative Don Edwards, who finally earned a Judiciary subcommittee chairmanship after 10 years in the House, has used it to quietly document the wide distance between civil rights rhetoric and achievement. His latest report shows that the 16-point program announced by President Nixon in 1970 to increase the employment of Spanish-surnamed Americans in the federal government has failed, in percentage terms, to do so.

Senator Alan Cranston has pleased the utility industry and annoyed Senator Lee Metcalf, his anti-utility Democratic colleague from Montana, for refusing to support a Metcalf provision that would bring utility companies under the truth-in-lending act and require them to print the annual interest rate of late charges on customers' utility bills. The industry, and Cranston, maintain that late charges are not compounded like ordinary credit charges and therefore shouldn't be computed on an annual basis. Cranston cast the decisive vote, or rather walked out and didn't cast it, in a closed-door Senate Commerce subcommittee session that removed Metcalf's proposal from a pending bill by a single vote.

* * *

Representative John G. Schmitz, a John Birch Society member and proud of it, writes the introduction to the latest big Birch book, "None Dare Call It Conspiracy," by JBS writer Gary Allen. JBS leader Robert Welch envisions a 15 million sale for the book, which is published in California by Concord Press.

Mike Green, a longtime Washington reporter for McClatchy Newspapers, who now does his own column for various California papers, is working on a book about the El Paso gas tangle, which Green refers to as "the unnatural gas scandal." Meanwhile, the legislation that would legalize an El Paso monopoly repeatedly outlawed by the Supreme Court remains buried somewhere in the recesses of the Senate Commerce Committee.

* * *

Pierre Salinger, the John F. Kennedy press secretary who was briefly a U.S. Senator until he failed to convince voters he really was a Californian, is now dividing his time between France and the George McGovern campaign. Salinger played a significant but little publicized role in McGovern's fine New Hampshire showing by broadcasting in French to the state's sizeable French-Canadian community. The Salinger-worked wards in Manchester, N.H., easily carried by Lyndon Johnson against Eugene McCarthy in 1968, went for McGovern over Ed Muskie. Salinger will return to France to finish his second novel after the Wisconsin primary on April 4th and then return in time to campaign for McGovern in the California primary.

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Selected State Government Reports

EDUCATION

Supplementary Educational Centers, Dept. of Education, 721 Capitol Mall, Sacramento 95814. Feb., 1972. 7 p. Report to the Legislature on regional centers for innovation in public education.

The Management and Operations of the University of California, Vol. I: The Library System of the University of California. Dept. of Finance, Audits Division, 1025 P Street, Sacramento 95814. Feb., 1972. 73 p. Discusses development of UC libraries, recommends increased interlibrary cooperation among UC campuses, and proposes several budgetary restraints. ($2.50)

The Management and Operations of the University of California, Vol. II: Faculty Teaching Loads and Student Enrollments. Dept. of Finance, Audits Division, 1025 P Street, Sacramento 95814. Feb., 1972. 89 p. Recommends that the University develop system-wide teaching workload standards for its instructional departments. ($2.50)

Degree Programs for the Part-Time Student: A Proposal, Task Force on the Extended University (may be obtained from Office of the President, 234 Hotel Senator, Sacramento 95814). Nov., 1971. 44 p.

ENVIRONMENT

California's Twenty Million, Research Contributions to Population Policy, Population Monograph Series, No. 10, Institute of International Studies, 2538 Channing Way, Berkeley 94720. Edited by Kingsley Davis and Frederick Styles. 1971. 349 p. Papers presented at a population policy symposium in Davis, March, 1971. Covers many population issues, including migration, reproduction patterns, female employment related to fertility rates, and urban growth patterns. ($4.25)

The State of California Implementation Plan for Achieving and Maintaining the National Ambient Air Quality Standards, Air Resources Board, 1025 P Street, Sacramento 95814. Jan. 30, 1972. 843 p. California's air pollution control plan developed pursuant to Section 110 of the Federal Clean Air Act, as amended in 1970. ($15)

People, Power, Pollution, Environmental Quality Laboratory, California Institute of Technology, Pasadena 91109. Sept. 1, 1971. (Report #1) 86 p. Environmental and public interest aspects of electric power plant siting.

Smog: A Report to the People of the South Coast Air Basin, Environmental Quality Laboratory, California Institute of Technology, Pasadena 91109. Jan. 15, 1972. (Report #4) 34 p. Presents EQL strategy for a short-term (1972-77) plan to control air pollution. Part I contains a summary with 14 graphs, and Part II outlines the legislative and administrative actions required.

Geothermal Resources in California — Potentials and Problems, by M. Goldsmith, Environmental Quality Laboratory, California Institute of Technology, Pasadena 91109. Dec., 1971. (Report #5) 45 p. Examines the production of power and water from dry steam fields — the extent of the resource, the technology to exploit it, the cost of the system, and its environmental effects.

Environmental Voting Index, 1971, Legislative Birdwatchers, Inc., 909 Twelfth Street, Sacramento 95814. Jan., 1972. 21 p. Committee ratings for state legislators based on their votes on 27 environmental bills during 1971. ($2)

HEALTH

Research Advisory Panel, Annual Report, 1971, Research Advisory Panel & the Department of Mental Hygiene, 6000 State Building, San Francisco 94102. 1972. 18 p. plus appendices. Second annual report of the panel reviews marijuana research and methadone programs in California.

Annual Report to the Legislature on Medi-Cal Pilot Projects, Dept. of Health Care Services, 714 P Street, Sacramento 95814. Jan. 7, 1972. 20 p. Summary of local health service contracts in effect during calendar year 1971.

LAW AND THE COURTS

Recommendation Relating to Attachment, Garnishment, and Exemptions From Execution (Employee's Earnings Protection Law), California Law Revision Commission, School of Law, Stanford University, Stanford 94305. Nov., 1971. 97 p.

Annual Report, California Law Revision Commission, School of Law, Stanford University, Stanford 94305. Dec., 1971. 64 p. Summarizes studies completed by the commission in 1971.

Excerpts from: Final Reports on the Unified Trial Court Feasibility Study and the California Lower Court Study, submitted by Booz, Allen & Hamilton, Inc., Administrative Office of the Courts, 4200 State Building, San Francisco 94102. Dec. 3, 1971. 138 p.

PUBLIC FINANCE

The Principal Office Deduction — A Major Tax Loophole, by Richard Budnick, Project Loophole, 1107 Ninth Street, Sacramento 95814. Jan., 1972. 56 p. Recommends a constitutional amendment to repeal the property tax subsidy for insurance companies.

Tip-Toeing Through the Tax Laws with the 1971 California State Legislature, Project Loophole, 1107 Ninth Street, Sacramento 95814. March 15, 1972. 55 p. Lists the tax exemptions, tax breaks and tax loopholes the legislature closed during the 1971 session, and the new ones it opened up.

MISCELLANEOUS

Report of the Committee on an Interim Study of Public Utility Advertising, Assembly Committee on Commerce and Public Utilities, Assemblyman Walter Powers, Chairman. March 1972. 38 p.

Black Legislation Passed by the 1971 Session of the California Legislature: Summaries of Major Bills Affecting Blacks, issued by the Black Caucus, Assemblyman John Miller, Chairman. March, 1972. 10 p.

Report to the Legislature by the Senate-Assembly Subcommittee on Implementation of Welfare Reform, Senator Anthony Beilenson, Chairman. March, 1972. 40 p.

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VOTING RECORDS

Listed below are the votes of Senators and Assemblymen on the major roll calls in the Legislature through this month and a brief summary of the issues under consideration. Votes selected for inclusion are on issues of major importance to Californians as a whole or issues on which there is a major division of opinion, or both.

Y—Yes *—Absent or Not Voting
N—No

SENATE

February

SCR 4 (Behr) — Requires rollcall voting in legislative committees and the recording of such votes in the Assembly and Senate Journals. Adopted 34-3.

SB 150 (Dymally) — Reduces minimum age for voter registration from 21 to 18 to conform with minimum voting age contained in federal constitution. Changes voter registration affidavit to omit reference to Christian name and to require all persons to use prefixes — Mr., Mrs., Miss, and Ms. Passed 29-6.

AB 79 (Crown) — Appropriates $1.2 million for crippled children's services. Requires services for physically handicapped children to continue to age 21, notwithstanding new adulthood law. Passed 32-0.

March 10th to 16th

AB 734 (Bagley) — Removes 18 to 21-year-olds from adulthood status for purposes of eligibility for Aid to Families with Dependent Children public assistance program, until May, 1973. Passed 30-3.

SCR 4 (Behr) — Requires rollcall votes in legislative committees and requires them to be recorded. Senate refuses to concur, 10-22, in Assembly amendments.

March 17th to 23rd

AB 249 (Campbell) — Transfers the administration of intermediate care facilities from the Dept. of Social Welfare to the Dept. of Health Care Services. Passed 31-2.

AB 174 (Lewis) — Authorizes school districts to conduct field trips or excursions during the school year to any foreign country instead of only to Mexico and Canada. Passed 29-5.

ASSEMBLY

January

A — Election of Assemblyman Bob Moretti as Speaker; 58 votes for Moretti (Y), 1 for Bob Monagan (M), 1 for Vincent Thomas (T).

February

AB 70 (Z'berg) — Authorizes impaneling of two grand juries in any county, one to inquire into public offenses, and the other to inquire into all other matters within its scope of inquiry. Passed 44-20.

March 3rd to 9th

AB 734 (Bagley) –(see description under Senate votes). Passed 54-12.

HR 16 (Burton) — Requires rollcall votes in legislative committees of the Assembly and requires them to be recorded. Adopted 67-0.

March 10th to 16th

SCR 4 (Behr) — (see description under Senate votes). Adopted 69-0.

AB 71 (Fong) — Exempts venereal disease education from sex education regulations. Requires notification to parents prior to commencement of VD instruction, permits parent to inspect VD educational materials, and affirms parent's right to prevent pupil from taking VD instruction. Passed 59-2.

AB 94 (Barnes) — Appropriates $238,000 to the Dept. of Public Health for venereal disease education, casefinding, and follow-up. Passed 58-2.

March 17th to 23rd

AB 557 (Z'berg) — Requires, when vacancy occurs in office of municipal court judge, that election be held at next general state election occuring after vacancy to select person to hold office for next succeeding term in case where the vacancy occurs within the filing period. Passed 44-24.

AB 196 (Brathwaite) — Permits cities and counties to let contracts to a contractor whose bid does not exceed the lowest bid by more than 5 percent if he grossed less than $500,000 in the previous year and employs certain percentages of minorities. Failed 32-32. Reconsideration granted.

AB 230 (Keysor) — Makes it a misdemeanor to prepare or sell term papers. Failed 21-28.

SENATE

Republicans — 19	SCR 4	SB 150	AB 79	AB 734	SCR 4	AB 249	AB 174
Behr	Y	N	[illegible]	Y	N	Y	Y
Bradley	Y	N	[illegible]	N	N	Y	N
Burgener	Y	Y	[illegible]	Y	N	Y	Y
Carpenter	Y	N	[illegible]	*	N	Y	*
Cologne	Y	Y	-	-	-	-	-
Coombs	N	Y	[illegible]	Y	N	Y	Y
Cusanovich	Y	Y	[illegible]	Y	N	Y	Y
Deukmejian	Y	Y	[illegible]	Y	N	*	Y
Grunsky	Y	Y	[illegible]	Y	Y	Y	Y
Harmer	Y	Y	[illegible]	Y	N	Y	*
Lagomarsino	Y	Y	[illegible]	Y	N	Y	N
Marks	Y	Y	[illegible]	Y	Y	Y	Y
Marler	Y	Y	[illegible]	Y	N	Y	Y
Nejedly	Y	*	[illegible]	Y	N	Y	Y
Richardson	Y	N	[illegible]	*	*	Y	Y
Schrade	Y	N	[illegible]	Y	N	Y	Y
Stevens	Y	Y	[illegible]	*	*	Y	Y
Way	Y	Y	[illegible]	Y	N	Y	Y
Whetmore	Y	N	*	N	*	Y	N

Democrats — 20	SCR 4	SB 150	AB 79	AB 734	SCR 4	AB 249	AB 174
Alquist	Y	Y	Y	Y	N	N	Y
Bellenson	Y	Y	*	Y	*	*	Y
Carrell	Y	Y	Y	Y	Y	Y	*
Collier	Y	Y	Y	Y	Y	Y	Y
Dills	N	Y	Y	Y	Y	Y	Y
Dymally	*	*	Y	*	Y	*	Y
Gregorio	Y	Y	Y	Y	Y	Y	Y
Holmdahl	Y	Y	Y	Y	N	N	N
Kennick	Y	Y	Y	Y	N	Y	Y
Mills	Y	Y	Y	Y	N	Y	Y
Moscone	Y	Y	*	Y	N	Y	Y
Petris	Y	Y	Y	Y	Y	Y	Y
Roberti	Y	Y	*	Y	N	Y	Y
Rodda	Y	Y	Y	Y	N	Y	Y
Short	*	*	Y	Y	*	Y	Y
Song	*	*	Y	*	Y	*	Y
Stiern	Y	Y	*	Y	N	*	N
Teale	N	Y	Y	N	N	N	*
Walsh	Y	*	Y	*	*	*	Y
Wedworth	Y	Y	Y	Y	Y	*	*
Zenovich	Y	Y	Y	Y	*	Y	Y

ASSEMBLY

Democrats	A	AB 70	AB 734	HR 16	SCR 4	AB 71	AB 94	AB 557	AB 196	AB 230
Bee	Y	Y	Y	Y	Y	Y	Y	*	*	*
Brathwaite	*	Y	Y	*	*	*	*	*	Y	*
Brown	Y	Y	Y	Y	Y	Y	Y	*	Y	N
Burton	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Chacon	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Cory	Y	*	*	Y	Y	Y	Y	Y	Y	N
Crown	Y	*	Y	Y	Y	Y	Y	Y	Y	N
Cullen	Y	Y	*	Y	Y	Y	Y	Y	*	N
Davis	Y	N	Y	Y	Y	*	*	Y	*	Y
Deddeh	Y	Y	Y	Y	Y	Y	Y	Y	N	*
Dunlap	Y	Y	*	Y	Y	Y	Y	Y	Y	N
Fenton	Y	*	Y	Y	Y	*	*	Y	Y	N
Fong	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Foran	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Garcia	Y	*	Y	Y	Y	Y	Y	Y	Y	N
Gonsalves	Y	*	Y	Y	Y	Y	Y	Y	Y	N
Greene, B.	Y	*	Y	*	Y	Y	Y	*	*	*
Greene, L.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Johnson, H.	Y	Y	*	*	*	Y	Y	Y	Y	Y
Karabian	Y	Y	Y	Y	*	*	*	Y	Y	*
Keysor	Y	Y	Y	Y	Y	*	*	Y	Y	Y
Knox	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
LaCoste	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
MacDonald	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
McAlister	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
McCarthy	Y	Y	Y	*	Y	Y	Y	Y	Y	*
Mende	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Miller	Y	Y	Y	Y	Y	Y	*	Y	Y	N
Moretti	*	Y	Y	Y	Y	*	Y	Y	Y	*
Pierson	Y	Y	Y	Y	*	Y	Y	Y	Y	N
Porter	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Powers	Y	Y	Y	Y	Y	Y	*	Y	Y	N
Quimby	Y	*	Y	Y	Y	Y	Y	*	*	*
Ralph	Y	Y	Y	Y	Y	*	*	Y	Y	*
Ryan	Y	Y	*	Y	Y	*	*	Y	*	*
Sieroty	Y	Y	Y	Y	Y	Y	*	*	Y	Y	Y
Thomas	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Townsend	Y	Y	Y	Y	Y	Y	Y	Y	*	*
Vasconcellos	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Warren	Y	Y	Y	Y	Y	Y	*	*	Y	Y	N
Wilson	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
Waxman	-	-	Y	Y	Y	Y	Y	Y	*	N
Z'berg	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Republicans										
Arnett	*	Y	Y	Y	Y	Y	Y	*	N	*
Badham	*	Y	N	Y	Y	Y	Y	N	N	N
Bagley	Y	Y	Y	Y	Y	Y	Y	Y	N	*
Barnes	Y	N	Y	Y	Y	Y	Y	N	*	*
Belotti	Y	N	Y	Y	Y	Y	Y	N	*	*
Beverly	Y	Y	Y	Y	Y	Y	Y	N	N	N
Biddle	*	*	Y	Y	Y	*	*	N	N	*
Briggs	Y	Y	Y	*	Y	Y	Y	N	N	N
Brophy	M	*	N	*	Y	*	*	*	*	N
Burke	*	N	N	Y	Y	Y	Y	N	N	N
Campbell	Y	*	*	*	*	*	*	*	*	*
Chappie	Y	N	Y	Y	Y	Y	Y	*	N	*
Cline	Y	*	N	Y	*	Y	Y	N	N	*
Collier	T	N	*	Y	Y	N	N	N	N	N
Conrad	*	N	N	Y	Y	Y	Y	N	N	N
Dent	*	Y	Y	Y	*	Y	Y	N	N	Y
Duffy	Y	*	*	*	*	Y	Y	N	N	*
Hayden	*	N	Y	Y	Y	Y	Y	N	N	Y
Hayes	Y	N	Y	*	Y	*	*	Y	*	*
Johnson, R.	*	N	*	Y	Y	Y	Y	Y	*	Y
Ketchum	*	*	N	Y	Y	*	*	N	N	N
Lanterman	Y	Y	Y	Y	Y	*	*	N	*	N
Lewis	*	N	*	Y	Y	Y	Y	N	N	*
MacGillivray	*	N	N	Y	Y	Y	Y	N	N	*
Maddy	Y	N	Y	Y	Y	Y	Y	Y	N	Y
Mobley	Y	N	*	Y	Y	Y	Y	Y	N	Y
Monagan	Y	*	*	Y	Y	*	*	N	N	*
Moorhead	*	N	N	*	Y	*	*	N	*	Y
Murphy	*	Y	Y	Y	*	Y	Y	N	N	N
Priolo	Y	Y	Y	Y	Y	Y	Y	N	N	N
Russell	Y	N	N	Y	Y	Y	Y	N	N	Y
Schabarum	*	N	-	-	-	-	-	-	-	-
Seeley	*	N	N	Y	Y	Y	Y	N	Y	Y
Stacey	Y	N	N	*	*	Y	Y	Y	N	*
Stull	*	*	*	Y	Y	Y	Y	N	N	N
Wakefield	*	N	N	*	Y	N	N	*	N	*
Wood	Y	Y	Y	Y	Y	Y	Y	*	N	Y

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If a nation values anything more than freedom, it will lose its freedom; and the irony of it is that if it is comfort or money that it values more, it will lose that too.

—Somerset Maugham

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